

# In Our Own Words

*Narratives of South Asian New Yorkers Affected by Racial and Religious Profiling*



A JOINT PROJECT BY THE NEW YORK CITY PROFILING COLLABORATIVE WITH DRUM – DESIS RISING UP AND MOVING, THE SIKH COALITION, UNITED SIKHS, SOUTH ASIAN YOUTH ACTION (SAYA!), CONEY ISLAND AVENUE PROJECT, AND COUNCIL OF PEOPLES ORGANIZATION, COORDINATED BY SOUTH ASIAN AMERICANS LEADING TOGETHER

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Council Of Peoples Organization  
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# INTRODUCTION AND EXECUTIVE SUMMARY

In the eyes of the world, New York City serves as the quintessential emblem of the vibrant diversity within the United States and the gateway to the American Dream. Amid the city's mosaic of residents – including African Americans, Asians, Europeans, Latinos, Middle Easterners and those from the Caribbean – South Asians have long established an indelible presence in the city. Yet, after the devastating attacks of September 11th, 2001 on the World Trade Center, Muslims and anyone perceived to be Muslim became the public enemy literally overnight. **New York City soon shifted to become one of the epicenters of systemic racial and religious profiling against these communities.** This occurred through arrests, questioning, surveillance, and detention. Such sanctioned discrimination carried out by law enforcement has fostered stereotypes that cast community members as terrorists based on religion, national origin, and ethnicity. Even ten years after September 11th, backlash continues to thrive in the form of hate crimes in neighborhoods, bias-based bullying of students in classrooms, and discrimination at the workplace.

**Since September 11th, South Asian community members continue to encounter government scrutiny based on their race, national origin, and religion in various arenas.** Premised on the faulty presumption that these communities are more prone to “radicalization” leading to homegrown terrorism, interrogations of community members and infiltration of places of worship by the New York City Police Department (NYPD) and the Federal Bureau of Investigation (FBI) has become routine. Discriminatory airport screening practices by entities within the Department of Homeland Security (DHS), including U.S. Customs and Border Protection (CBP) and the Transportation Security Administration (TSA), have made the phrase “flying while brown” a fixture in our lexicon. And the merger between national security and immigration laws, including increasingly punitive immigration enforcement and deportation policies, has led to the families being torn apart.

During late 2011 and the early months of 2012, a series of reports, in rapid succession, came to light regarding the NYPD's focus on Muslim communities. Activities included infiltration of Muslim student groups throughout universities in the Northeast; monitoring of Shia mosques; continuous and widespread screenings during police trainings of the film, *The Third Jihad*, which proclaimed that Muslims want to “infiltrate and dominate” the United States; and, with the help of the Central Intelligence Agency (CIA), spying and demographic mapping of Muslims in the city.<sup>i</sup> As startling as these revelations were, it was hardly news for many South Asians, Arabs, Muslims, and Sikhs in New York City. Rather, they confirmed what community members have already known and experienced for over a decade.

“Profiling” refers to the discriminatory practice by law enforcement of targeting individuals for suspicion based on race, ethnicity, religion, or national origin. **Despite its widespread use, often in the name of national security, profiling does not work and often leads to ineffective law enforcement.** It diverts limited law enforcement resources; in many cases, law enforcement agents miss actual criminal activity by focusing on racial or religious characteristics. It undermines trust between targeted communities and

the government; individuals from these communities can end up feeling disempowered and marginalized resulting in many becoming hesitant to reach out to law enforcement. It threatens community safety as individuals become wary about reporting criminal activity or cooperating in investigations. And it perpetuates public misperceptions and stereotypes of targeted communities as government endorsement of prejudices and preconceptions can entrench these views among the general population.

## ***About In Our Own Words: Narratives of South Asian New Yorkers Affected by Racial and Religious Profiling***

In order to capture the ongoing effects of profiling on the daily lives of South Asians in New York City, seven organizations (“New York City Profiling Collaborative” or the “Collaborative”) embarked on an initiative to document community members’ experiences. Members of the Collaborative included six organizations based in New York City that serve, organize, or advocate on behalf of South Asian community members, particularly in Brooklyn and Queens: DRUM- Desis Rising Up and Moving; The Sikh Coalition; UNITED SIKHS; South Asian Youth Action (SAYA!); Coney Island Avenue Project (CIAP); and Council of Peoples Organization (COPO); and also included the national organization, South Asian Americans Leading Together (SAALT).<sup>ii</sup>

The Collaborative's objectives were to understand and illuminate the impact of ongoing profiling by attempting to answer three primary questions:

**How does profiling – specifically in the contexts of law enforcement interactions, immigration, and airport security screenings – continue to affect South Asians in New York City over ten years after September 11th?**

**What are the human impacts and costs of profiling on the daily lives of South Asian individuals, families, and communities in New York City?**

**What measures can federal, state, and local policymakers and stakeholders take to address and eliminate profiling?**

The findings and recommendations of this report are based on the analysis of 628 surveys, 25 interviews, and four focus groups conducted with South Asian community members primarily in Brooklyn and Queens between August 2010 and August 2011. The report also draws extensively from secondary data sources. It is important to note that the documentation project does not claim to be a statistical analysis of profiling. Rather, the purpose was to gather qualitative evidence of the impact of profiling on South Asians in New York City, to document individual stories, and to make recommendations to policymakers and stakeholders.



## Key Findings and Emerging Themes

Over the past decade, since September 11th, the stories and experiences of South Asians who have faced targeting and profiling have permeated the national consciousness. What this documentation project revealed was that the impact of systemic racism in the form of profiling has affected “everyday people” in terms of their individual sense of identity and their collective psyche.

Profiling has affected virtually every facet of the daily lives of community members – from how to dress, how to travel, how to practice one’s faith, how to express one’s identity, and how to interact with family members, neighbors, and the government. The results of the documentation project showed that there is a psychological impact that cannot be denied. Profiling has resulted in community members becoming second-class citizens and questioning their sense of belonging in the United States. Moreover, when government agencies couple community outreach with national security operations, it diminishes the sense of trust and safety that individuals feel within their own communities. As the South Asian population continues to grow and establish deeper roots in this country, it is imperative that this community is seen as part of this nation, not as suspects who threaten it.

Profiling has manifested itself in unique ways for various segments within the South Asian community. Yet, as this report shows, commonalities nevertheless emerge in terms of how it impacts individuals’ lives. The toll that profiling has taken on South Asians’ personal and collective sense of security and belonging were clearly conveyed through this documentation project, specifically, in the following ways:

***South Asians are frequently questioned about their faith or national origin by government officials.*** Among the subset of questionnaire respondents who provided details on interactions with law enforcement, 73% reported being questioned about their national origin and 66% reported being questioned about their religious affiliation. Similarly, among questionnaire respondents who reported being subjected to additional screening at ports-of-entry, 41% indicated that airport CBP agents inquired about their religious or political beliefs.

***South Asians are often questioned by government officials about their immigration status which is used as leverage to pressure individuals to spy on fellow community members.*** Among the subset of questionnaire respondents who provided details on interactions with law enforcement, 85% reported being questioned about their immigration status and 42% of those interactions involved entities other than immigration officials. Respondents also reported being asked by law enforcement to report the activities of friends and colleagues in order to obtain immigration benefits. Such findings are especially startling in light of New York City’s Executive Order 41 which sets forth disclosure protections relating to individuals’ immigration status for city agencies, including local police.<sup>iii</sup>

***South Asians subjected to profiling often sense being viewed as “suspects” by the general public, within their community, and even within their families.*** Whether as a result of profiling by airport officials, immigration authorities, or police and FBI agents, many respondents reported fearing nearby witnesses would subsequently view them with suspicion. In some instances, relationships

with friends, colleagues, and family members became strained following baseless questioning.

***South Asians encounter profiling so routinely that many have altered their behavior in an attempt to avoid additional scrutiny.***

For example, among the subset of questionnaire respondents who indicated the frequency at which they are subjected to secondary security screening by TSA agents, 25% stated being selected more than half the time they traveled. As a result, many respondents reported changing their activities, such as flying less frequently or removing religious attire prior to travel.

***South Asians report that profiling has caused them to lose faith in the government’s ability to protect them in times of need.*** Particularly among respondents who had experienced questioning or arrests by the NYPD or FBI, community members who reported to police bias or discrimination in the private sphere felt that their requests for help went unheeded.

## Summary of Key Recommendations

The experiences of South Asians in New York City underscore the need for robust anti-profiling policies at all levels of government; greater oversight over law enforcement agencies that have engaged in profiling; and increased resources to organizations assisting communities affected by profiling. While policymakers have taken certain steps since September 11th to mitigate profiling (such as reducing background-check delays for naturalization applications; modifying certain immigration programs that target community members; and undertaking reviews of biased training materials for law enforcement), government agencies often institute such measures only after extensive advocacy efforts by community members. Moreover, such changes are often too late or incomplete, do not address the depth of community impact, or are not adequately comprehensive in scope.

The following is a summary of key recommendations for lawmakers, government agencies, and other key stakeholders. A fuller and more detailed set of recommendations can be found in the “Conclusions and Recommendations” section at the end of this report.

### Recommendations for the President, New York Governor, and New York City Mayor

- **Issue and enforce executive orders prohibiting profiling** and ban law enforcement practices that disproportionately target individuals for investigation and enforcement based on race, ethnicity, national origin, gender, or religion. These orders should also mandate that government agencies collect data on stops and searches that are disaggregated by these categories. These orders should also explicitly apply in the contexts of travel, surveillance, and immigration enforcement.

### Recommendations for Congress, New York State Assembly, and New York City Council

- **Introduce and pass robust anti-profiling legislation**, including those modeled after the *End Racial Profiling Act*, which would prohibit the use of profiling on the basis of race, religion, ethnicity, national origin, or gender by law enforcement agencies; require law enforcement agencies to conduct anti-profiling trainings; monitor their activities with respect race and other

protected statuses; create effective complaint resolution processes; and establish a private right of action for victims of profiling that would allow them to seek damages in court.

- **Hold public hearings and conduct investigations to understand the effect of counterterrorism policies and profiling** on South Asian, Muslim, Arab, and Sikh communities. This includes Congressional, New York State Senate and Assembly, and New York City Council hearings on the use of informants and surveillance by the FBI and NYPD; profiling in the context of air travel; and profiling in the context of immigration enforcement.
- **Pass legislation that explicitly prohibits surveillance** premised on race, ethnicity, national origin, or religion by federal, state, and local law enforcement agencies.
- **Strengthen government and civilian oversight over law enforcement agencies**, including the NYPD. In addition, the New York City Council should create a new Inspector General's office to oversee the department and an independent prosecutor to investigate and prosecute misconduct by the NYPD and its officers.
- **Prohibit state and local law enforcement from inquiring about individuals' immigration status or otherwise carry out immigration laws.** This includes terminating federal programs, such as Secure Communities and 287(g), as well as similar policies instituted by state and local lawmakers.
- **Develop strategies, in tandem with respective administrative agencies, to reduce over-policing and profiling in the school system.** For example, the New York City Council should work with the New York City Department of Education to reduce the number of School Safety Agents and armed NYPD officers stationed in local public schools, ensuring that the NYPD meets its requirement of reporting arrests in schools as per the *Student Safety Act*; ends all stop and frisk activities targeting youth of color; and require the use of and provide funding for Positive Behavior Interventions Support (PBIS) programs for schools to address most discipline issues, including bullying and harassment.
- **Speak out against speech and actions motivated by bias and hatred against communities of color.** This includes xenophobic and racist rhetoric, discrimination, and hate crimes that occur in both public and private spheres.

#### Recommendations for Federal, State, and Local Government Agencies

- **Strengthen and implement existing anti-profiling policies.** This includes the U.S. Department of Justice amending its June 2003 Guidance Regarding the Use of Race by Federal Law Enforcement to include national origin and religion as bases for prohibiting profiling; remove the national security and border exceptions within the guidance; ensure its application to state and local law enforcement agencies; and require all federal, state, and local agencies to report on their compliance with the guidance. In addition, New York City government agencies should enforce its existing anti-profiling policies. The NYPD should

also enforce Operations Order 11 and amend its language to explicitly prohibit profiling on the basis of religion.

- **Collect and publish data on the racial, ethnic, and religious identity of individuals with whom law enforcement interactions occur.** Agencies that should undertake this auditing effort include CBI, FBI, NYPD, and TSA. Such efforts should preserve the privacy of community members by collecting data within these categories in the aggregate and keeping identifying information of individuals confidential.
- **Undertake comprehensive reviews of existing law enforcement training materials and establish robust review mechanisms for future trainings** to ensure that speakers, films, and curricula used do not promote stereotypes about South Asian, Muslim, Sikh, and Arab communities as terrorists.
- **Reject the perpetuation of "radicalization" theories** that are based on faulty indicators of criminal or terrorist activity and chill community members' rights to freedom of religion, expression, and assembly.
- **Mandate religious and cultural competency trainings** on South Asian, Muslim, and Sikh communities for all officers and personnel but particularly those who have direct contact with community members. This includes proactively reaching out to community-based organizations with expertise on these communities for such trainings.
- **Explicitly and repeatedly state to the public that an individual's race, ethnicity, or religion should not be the basis for suspicious activity reporting programs.** Such programs include DHS' and New York City's Metropolitan Transit Authority's (MTA) *See Something, Say Something* programs.
- **Separate intelligence-gathering and community outreach strategies.** Agencies that should not conflate and combine these engagement strategies include DHS, FBI, and NYPD.
- **Prohibit immigration-related questioning, enforcement of immigration laws, and sharing of immigration-related information by local government agencies with federal immigration authorities.** Local and state law enforcement officers should enforce state and local criminal laws not federal civil immigration laws. Devolving immigration enforcement responsibilities, such as through the 287(g) or Secure Communities programs, to local agencies sends the improper message that immigration and crime, or terrorism, are inherently related.

- **Strengthen complaint processes for individuals affected by profiling.** This includes DHS improving transparency and publicity for its Traveler Redress Inquiry Program (TRIP).

#### Recommendations for South Asian Community Leaders and Concerned Community Members

- **Report incidents of profiling** to community-based organizations committed to eliminating profiling and through government complaint mechanisms.
- **Host "know your rights" trainings and disseminate "know your rights" brochures** to constituents on a regular basis.

- **Write letters to the editor or op-eds** in media outlets that have previously covered stories on profiling.
- **Build relationships and stand in solidarity with other communities of color** affected by profiling, including the African-American and Latino communities.

#### **Recommendations for Philanthropic Institutions**

- **Build capacity within South Asian communities to engage in community organizing, advocacy, and provide support to**

**individuals affected by profiling. In order for communities to address the systemic nature of profiling** with policymakers and to provide educational resources to law enforcement agencies, increased funding support is needed.

- **Support future documentation efforts and statistical analysis of the evolving nature of profiling affecting South Asian communities.** As more reports of profiling emerge and the nature of practice has evolved, increased support is needed to capture the impact on community members.



## WHO ARE SOUTH ASIANS?



For purposes of this report, the South Asian community comprises of individuals who trace their ancestry to Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, and Sri Lanka; in addition, members of Afghan and Pastun communities were surveyed in the documentation project as well. The community also includes members of the South Asian diaspora – past generations of South Asians who originally settled in many areas of the world, including the Caribbean (such as Guyana, Jamaica, Suriname, and Trinidad & Tobago), Africa (including Kenya, Nigeria, South Africa, and Uganda), Canada, Europe, the Middle East, and other parts of Asia and the Pacific Islands (such as Fiji, Indonesia, Malaysia, and Singapore).

The community is far from homogenous. South Asians are not only diverse in terms of national origin, but also in terms of ethnicity, religion, and language. South Asians practice various faiths, including Buddhism, Christianity, Hinduism, Jainism, Judaism, Islam, Sikhism, and Zoroastrianism. Among the most common languages spoken by South Asians are Bengali, Gujarati, Hindi, Punjabi, and Urdu.

The South Asian community is one of the largest immigrant populations in New York City. According to Census 2010 data, at least 300,000 South Asians live in the city, with Indians, Pakistanis, and

Bangladeshis making up the most populous ethnic groups within the community.<sup>iv</sup> While these figures provide a baseline understanding of the population, it is important to note that many South Asians are often undercounted in the Census, particularly within the non-Indian community.<sup>v</sup> This is due to various factors, including non-Indian individuals needing to write-in their ethnicity on Census forms; fear among certain populations, particularly the un-

documented, of participating in government surveys; and limited English proficiency. As with all demographic statistics, these figures should be coupled with data from community-based research to provide a comprehensive understanding of the community.

The New York City metropolitan area is home to the largest Bangladeshi, Indian, Nepali, Pakistani, and Sri Lankan communities in the country.<sup>vi</sup> By far, the largest population of South Asians in New York City lives in the Queens followed by Brooklyn.<sup>vii</sup> In addition, Bangla-

deshis experienced the largest population growth between 2000 and 2010, increasing by at least 98.8% in Brooklyn and by 109.4% in Queens over the past decade.<sup>viii</sup> The neighborhoods where significant numbers of South Asians reside include Elmhurst, Flushing, Jackson Heights, Richmond Hill, and Woodside, in Queens, and Coney Island, in Brooklyn.



## M E T H O D O L O G Y

To ascertain the impact of profiling on South Asians in New York City, the Collaborative's documentation project used three information-gathering methods: questionnaires; focus groups; and interviews. The respondent group focused on South Asians who had resided in New York City any time after September 11, 2001, with an emphasis on those in Brooklyn and Queens, where there are significant South Asian populations.

**Questionnaires:** Members of the Collaborative jointly developed a questionnaire asking respondents if they had experienced specific types of profiling during interactions with certain government entities, including: 1) federal, state, and local law enforcement agencies; 2) immigration agencies in the non-airport context; and 3) airport officials at both domestic and port-of-entry screening points.<sup>ix</sup>

Respondents were encouraged to provide details about their experiences in such interactions in narrative form. In addition, respondents provided basic demographic information. Although each respondent's name and contact information were requested, this was not required in case that prevented them from participating.<sup>x</sup>

Staff and volunteers of the Collaborative organizations administered questionnaires to South Asian residents in Brooklyn and Queens via street-side surveying; at community events or gatherings; and at organizational member meetings. The questionnaire was developed in English and translated into six languages: Bengali; Gujarati; Hindi; Nepali; Punjabi (both Gurmukhi and Shahmukhi scripts); and Urdu. In addition, a smaller number of questionnaires were administered online through SurveyMonkey. The online questionnaires were available in English only. In total, 628 individuals completed questionnaires either online or in-person.

While every effort was made to encourage respondents to complete the entire questionnaire, many individuals only answered questions relevant to their personal experiences. For example, many Sikh respondents primarily responded to questions related to TSA. Similarly, many undocumented respondents who are unable to fly focused on questions related to profiling in the non-airport context. As such, this documentation project was not intended to determine the statistical frequency of profiling within the South Asian community nor did it attempt to make comparisons between profiling affecting South Asians in relation to other communities of color or the general public.

**Focus Groups:** Collaborative members also conducted four focus groups on profiling within their membership and the South Asian community at large. Specific focus groups occurred with construction workers, musicians and artists, restaurant workers, and Afghan and Pashtun community members. Moderated by organizational staff, the focus groups sought participants' experiences and general opinions about the individual and community impacts of profiling.

**Interviews:** Following the questionnaires and focus groups, organizational staff and volunteers conducted 25 individual interviews with selected community members. During the interviews, individuals were asked to discuss and provide additional details regarding their own experiences.

In addition to the data collected above, secondary data sources were reviewed and used in the development of this report.

# WHY PROFILING DOES NOT WORK

Profiling is a law enforcement tactic that connects individuals to crimes based on characteristics unrelated to criminal conduct, such as race, religion, ethnicity, national origin, and perceived immigration status. Federal, state, and local law enforcement officials often use these factors as predictors of criminal activity. Historical and contemporary examples include the use of racial profiling when stopping African-American motorists, interrogating Latino travelers, and, more recently, the questioning, searching, and detention of South Asian, Muslim, Sikh, and Arab individuals. It is clear from all of these experiences that profiling is flawed because it diverts limited law enforcement resources; undermines trust between targeted communities and the government; and perpetuates public misconceptions and stereotypes of affected communities.

## **Diverts Limited Law Enforcement Resources**

Profiling is a counterproductive method of identifying criminals and national security threats. In many cases, law enforcement agents miss actual criminal activity by focusing on a race-based profile rather than looking for specific behavioral indicators of illegal activity.<sup>xi</sup> In fact, prior to September 11th, the then-U.S. Customs Service eliminated the use of race, ethnicity, and gender in determining which passengers were subject to searches and began focusing solely on behavioral factors indicating suspicion.<sup>xii</sup> A subsequent study by Lamberth Consulting revealed that this change in policy resulted in an almost 300% increase in searches that actually yielded illegal contraband and activity.<sup>xiii</sup>

Yet many law enforcement agencies at all levels of government instead continue to rely upon factors, such as race, religion, ethnicity, and national origin, rather than neutral indicators of suspicious activity. By employing such tactics, law enforcement agents are diverting scarce time and resources away from individuals who actually pose a threat. In the post-September 11th context, Jose Padilla, Richard Reid, and Colleen LaRose (also known as “Jihad Jane”), are all examples of individuals who do not fit the “Muslim terrorist” profile that law enforcement agencies have been using over the past ten years.

## **Undermines Trust Between Targeted Communities and Government**

The effects of profiling policies are far-ranging on communities who are targeted by such tactics. Individuals from these communities feel disempowered and marginalized, and in many cases, do not trust government officials or law enforcement. Community members

begin to feel wary about reporting criminal activity or seeking protection to due perceptions that law enforcement is biased and not committed to the affected community’s safety. Law enforcement agents find that their connections and contacts to communities being profiled are weakened.<sup>xiv</sup> And, the rates of people of color and immigrants who are stopped, questioned, incarcerated, detained, and deported due to the use of profiling tactics begin to increase.<sup>xv</sup>

In the post-September 11th context, policies implemented in the name of national security have resulted in South Asian, Muslim, Sikh, and Arab American community members becoming hesitant to contact police when they feel unsafe. For example, numerous South Asian women’s organizations that assist community members facing domestic violence have reported that such policies not only result in an increase in abuse but have also made battered women afraid to call police.<sup>xvi</sup> In addition, profiling policies have raised suspicion within affected communities about sharing personal information with the federal government and heightened fears around participation in efforts intended to benefit them, such as the U.S.<sup>xvii</sup> Census.

## **Perpetuates Public Misconceptions and Stereotypes of Targeted Communities**

Profiling often fuels perceptions among the public at large that targeted community members are worthy of heightened suspicion. In fact, a report by SAALT compiling and analyzing incidents of xenophobic rhetoric in political discourse showed at least 32 remarks made by elected officials and political candidates linking South Asians, Muslims, Sikhs, and Arabs to terrorism or supporting profiling of community members between 2002 and 2010.<sup>xviii</sup> Many remarks in support of profiling were often based on stereotypes that these community members inherently pose a national security threat to this country.<sup>xix</sup>

Such policies and statements consequently foster an environment that makes it more likely that individuals from these backgrounds will be subjected to harassment, bullying, and discrimination, such as in the classroom, at work, and other public venues.<sup>xx</sup> For example, many reports emerged immediately after September 11th, and still recur to this day, of South Asians, Muslims, and Sikhs being removed from flights, even after passing through security and boarding planes, due to unfounded concerns raised by crew members and fellow passengers.<sup>xxi</sup>



# Timeline of Selected Policies Resulting in Profiling of the South Asian Community in New York City Since September 11th

- **September 11, 2001:** In the greatest terrorist attack ever executed on American soil, 2,606 people lost their lives in New York City.
- **September 2001:** The Federal Bureau of Investigation (FBI) created a national tip line where ordinary citizens call in to report evidence of terrorist activity. Within a week of its launch, the FBI received tens of thousands of tips from New York, many based on irrational fears of Muslims, Arabs, and South Asians.
- **September 2001:** The then-Immigration and Naturalization Service (INS) issued a rule allowing immigrants to be detained 48 hours without charge, which could be extended in the event of an “emergency.”
- **September 2001:** Chief Immigration Judge Michael Creppy issued a memorandum allowing Immigration Courts to close deportation proceedings for “special interest” detainees.
- **September 2001 through February 2002:** Attorney General John Ashcroft ordered the FBI to inform the INS to arrest any men found in violation of immigration law. In all, according to government figures, at least 762 South Asian, Muslim, and Arab men – including 491 in New York (the “New York Detainees”) – were arrested by the FBI and referred to INS for detention, based on their national origin and immigration status. Community organizations reported that actually over 1,200 men were rounded up in these raids. No one arrested as a part of these sweeps was ever charged with terrorist activity or linked to the September 11th attacks.
- **September 2001:** The FBI arrested individuals deemed “of interest”, even if suspicion was based solely on alleged immigration status, religious beliefs, ethnicity, national origin, and skin color. New York Detainees deemed of “high interest” by the FBI were held for further questioning at the Metropolitan Detention Center (MDC) in Brooklyn. Detainees were often held for lengthy periods of time without charge, denied access to attorneys or family members, and had daily prayers interrupted. Some also endured threats, racist slurs, strip searches, and physical abuse by MDC staff. Ultimately, almost all of the men arrested in New York were deported to their home countries.
- **October 2001:** President George W. Bush signed the USA PATRIOT Act into law, which increased the government’s ability to conduct searches and surveillance and enhanced detention powers.
- **November 2001:** Attorney General Ashcroft ordered “volunteer questioning” of over 5,000 men who came from countries where al-Qaeda had a “terrorist presence.” A second round of questioning began in March 2002. Of the 2,261 men who were actually interviewed nationwide, the Department of Justice (DOJ) reported that none were charged with crimes related to the September 11th attacks.
- **2002:** New York City Police Department (NYPD) Commissioner Raymond Kelly established the Department’s Counterterrorism Bureau, the first of its kind in the country. It also began engaging in a Joint Terrorism Task Force (JTTF) partnership with the FBI.
- **March 2002:** NYPD Commissioner Kelly promulgated Operations Order 11, prohibiting racial profiling by NYPD officers. The order does not explicitly include religion within its definition of “racial profiling.” It does prohibit police officers from relying on race, ethnicity, religion, or national origin as a “determinative factor” in initiating law enforcement action.
- **April 2002:** DOJ’s Office of Legal Counsel issued its “inherent authority” opinion used as a basis for allowing state and local law enforcement to carry out federal immigration laws, a practice that results in profiling.
- **May 2002:** Attorney General Ashcroft issued revised FBI investigative guidelines relating to domestic terrorism that allow agents to attend public events without evidence of suspicious activity; and diminish oversight from FBI headquarters over the activities of field offices in terrorism-related cases
- **June 2002:** DOJ rolled out the Special Registration program as part of the National Security Entry-Exit Registration System (NSEERS). Aspects of the program required males over the age of 16 on non-immigrant visas and from 24 Muslim-majority countries, including Pakistan and Bangladesh, (plus North Korea) to report to local immigration offices for fingerprinting and interrogation. Nationwide, over 83,000 individuals registered of which 13,000 individuals were placed in deportation proceedings. The NSEERS program failed to identify any terrorism suspects or uncover any terrorism-related evidence.
- **November 2002:** The Department of Homeland Security (DHS) is formed with authority over both immigration and national security policy in the country.

- **December 2002:** The U.S. and Canada signed the Safe Third Country Agreement which requires most refugee claimants to request protection in the first safe country they arrive in. As a result, many South Asians, Arabs, and Muslims were forced to turn back to the U.S. after attempting to seek asylum in Canada from post-September 11th blanket round-ups in the U.S.
- **2003:** Courts loosened rules under the Handschu Guidelines which, in 1985, established a three-member panel to oversee NYPD surveillance operations and allowed detectives to start an investigation only when they had “specific information” about a future crime. Under the Modified Handschu Guidelines, NYPD intelligence authorities can act alone to authorize investigations for certain periods of time; it also lowered the threshold standard to merely showing that the facts “reasonably indicate” the commission of crime.
- **June 2003:** DOJ issued its Guidance on the Use of Race by Federal Law Enforcement Agencies. Its anti-profiling measures includes broad exceptions for national security and border integrity; fails to prohibit profiling on the basis of religion or national origin; does not apply to state or local law enforcement agencies; and lacks meaningful enforcement mechanisms.
- **September 2003:** President Bush signed the Homeland Security Presidential Directive-6 creating the Terrorist Screening Center responsible for the Terrorist Screening Database. The database included various watchlists, including the “no-fly list” (including names of passengers not allowed to board planes) and the “selectee list” (including names of passengers required to undergo additional screening prior to boarding).
- **Fall 2004:** DHS instituted Operation Frontline designed to “detect, deter and disrupt terrorist operations” immediately prior to the 2004 presidential elections. Relying upon NSEERS databases, the government investigated individuals from primarily Muslim-majority countries.
- **July 2004:** New York City Mayor Michael Bloomberg signed legislation codifying Operations Order 11, prohibiting racial profiling. Advocates have called for this law to be strengthened, specifically in terms of its enforcement mechanisms.
- **July 2005:** The NYPD announced it would commence random searches of bags and packages carried by individuals entering the city’s subways. This announcement was condemned by advocates as it would result in profiling.
- **February 2006:** Reports released that about 90% of all individuals subjected to NYPD’s stop-and-frisk activities were engaged in no unlawful activity whatsoever, and nearly 86% of all persons stopped were African-American or Latino.
- **May 2006:** An internal NYPD intelligence strategy report was issued to Commissioner Kelly calling for targeted surveillance of Shia Muslims and their mosques in New York, New Jersey, and Connecticut based solely on their religion. These secret documents become public through the Associated Press (AP) in January 2012.
- **February 2007:** DHS instituted the Traveler Redress Inquiry Program (TRIP) intended to allow travelers to submit complaints with watchlists and heightened screening. Yet many individuals reported that the program failed to provide any meaningful recourse.
- **August 2007:** The NYPD released the report “Radicalization in the West: The Homegrown Threat,” asserting that radicalization is widespread among Muslims in New York and that law enforcement must mobilize to combat it. The report was heavily criticized for its failure to provide any evidence of increasing radicalization while it listed benign behaviors, such as engaging in group outdoor activities and giving up smoking, as evidence of the phenomenon.
- **August 2007:** The Transportation Security Administration (TSA) issued guidelines stating that Sikh turbans and Muslim headscarves should be subjected to additional screening. In October 2007, such searches were no longer mandatory under TSA’s “bulky clothing” policy, but instead left it to the discretion of screeners; passengers were also offered additional screening options providing increased privacy. Sikh and Muslim community members still continued to frequently be pulled out for security screening because of their attire.
- **July 2008:** U.S. Customs and Border Protection (CBP) was given greater authority to search and seize the belongings of passengers entering the United States, even absent evidence that an individual poses a threat.
- **December 2008:** DOJ issued the FBI’s Domestic Investigative Operative Guide (DIOG) that relaxed restrictions on federal law enforcement to conduct threat assessments using factors based on religion and ethnicity. It also lowered the threshold to commence threat assessments without requiring an adequate factual basis or supervisory approval for national security cases.
- **January 2010:** TSA began requiring U.S.-bound passengers who were nationals of or travelling from/through 14 Muslim-majority countries, including Pakistan, (plus Cuba) to receive full body pat-downs and searches of all carry-on items. This policy was rescinded in April 2010 and replaced with a “real-time threat-based” screening system.
- **July-September 2010:** Debate across the country focused on the proposed construction of the Park51 Muslim community center in Lower Manhattan. Numerous elected officials and political candidates made statements opposing the establishment of Park51 because of a Muslim center’s perceived proximity to Ground Zero. Within this climate, several hate crimes occurred, including the vicious assault of a Bangladeshi taxi-cab driver in New York, Ahmed Sharif, whose attacker was a passenger who asked if Sharif was Muslim.

- **October 2010:** Following the initial roll-out of new Advanced Imaging Technology (AIT) machines in airports across the country, DHS and TSA informed Sikh advocacy groups that turbaned Sikh travelers at U.S. airports should always expect to undergo secondary screening in the form of a turban pat-down and/or a metallic detector wand over the turban.
- **October-December 2010:** The NYPD screened the film *The Third Jihad* to its Chemical, Ordinance, Biological, and Radiological (COBRA) Unit, which provides terrorism awareness training for patrol forces. Screened before 1,500 officers, the film included numerous Islamophobic messages, including that Muslims aim to “infiltrate and dominate” the United States. NYPD Commissioner Kelly also played a role in its production, including being interviewed for the film. News about the film’s use came to light in 2011, after which Kelly initially denied involvement with the film and minimized its widespread use during police trainings.
- **January 2011:** New York Governor Andrew Cuomo issued a letter to DHS indicating that the state would be suspending its participation in Secure Communities, a program where participating jails submit arrestees’ fingerprints to the FBI and immigration databases, allowing Immigration and Customs Enforcement (ICE) access to information on individuals held in jails. Concerns remain as DHS has since asserted that states and municipalities will be unable to elect out of the initiative.
- **March 2011:** Peter King, a Congressional representative from Long Island and chair of the House Committee on Homeland Security, commenced a series of Congressional hearings focused on radicalization within the Muslim community. In New York City, as well as elsewhere in the country, community members mobilized to raise concerns regarding the hearings’ exclusive focus on the Muslim community.
- **April 2011:** DHS announced modifications to NSEERS, specifically “delisting” the list of countries whose nationals were subject to registration requirements. Despite the announcement, individuals remain affected by adverse immigration consequences as a result of the program and the program’s underlying regulatory framework also remains intact.
- **April 2011:** The New York State Senate’s Committee on Veterans, Homeland Security, and Military Affairs convened a hearing on national security issues, which included topics such as “the culture of jihad” and “Sharia law.”
- **August 2011:** An AP investigation revealed that the NYPD developed programs, with the assistance of the Central Intelligence Agency (CIA), using informants, known as “mosque crawlers,” to spy on communities often absent any evidence of wrongdoing; and engaged in surveillance of neighborhoods, often solely on the basis of religion or ethnicity.
- **November 2011:** The U.S. Citizenship and Immigration Services (USCIS) issued a policy memorandum with directions to “refer all cases in which an application is denied based on an NSEERS violation to ICE for possible Notice to Appear (NTA) issuance.” NTAs are charging documents that initiate deportation proceedings.
- **November 2011:** The New York City Department of Education released its first public data in compliance with the Student Safety Act reporting 73,441 suspensions in schools, an increase from 21,396 in 2002. Community groups cite the parallel 65% increase in New York City’s budget for police (including 200 armed NYPD officers and 5,200 School Safety Agents) and security equipment in schools (metal detectors and scanners) since 2002.
- **February 2012:** The AP published its investigative report on NYPD officers infiltrating Muslim Student Associations at universities throughout the north-eastern U.S. Another AP investigation revealed that the NYPD has been building secret files on mosques outside of its jurisdiction in New York City, including in New Jersey and New York’s Suffolk and Nassau Counties. Police also photographed and mapped mosques, listing them as “Islamic Religious Institutions.”



## TO PROTECT AND SERVE ... OR SUSPECT AND OBSERVE?

As the thoughts of New Yorkers moved past bombing plots and anthrax attacks after September 11th, the focus of various law enforcement agencies shifted to South Asians, Arabs, and Muslims in the city. Entities such as the New York City Police Department (NYPD), Federal Bureau of Investigation (FBI), and Immigration and Customs Enforcement (ICE) began to aggressively monitor and interrogate community members. Students also reported enduring similar treatment by School Safety Agents stationed in local high schools. Often, during interactions with law enforcement, community members recounted being stopped and searched on pretense and being questioned about their immigration status, national origin, religious affiliation, or political beliefs.

### Setting the Stage for Profiling of South Asians and Muslims in New York City by Law Enforcement

In the immediate aftermath of the terrorist attacks, the NYPD began quietly constructing one of the largest anti-terrorism apparatuses in the world, focusing its efforts through profiling the Muslim community in New York City. In 2002, NYPD Commissioner Raymond Kelly established its Counterterrorism Bureau and also engaged in a Joint Terrorism Task Force (JTTF) partnership with the FBI.<sup>xxi</sup> In August 2007, the NYPD released a report entitled “Radicalization in the West: The Homegrown Threat” in which it argued that widespread radicalization among Muslims in New York and the rest of the country was a real phenomenon that law enforcement must mobilize to combat it.<sup>xxiii</sup> However, there was no evidence in the report to backup the NYPD’s assertion of broadly accepted radicalization in the Muslim community. Perhaps the most dubious portion of the report was the list of benign behaviors, such as engaging in group outdoor activities and giving up smoking, as evidence of radicalization. In response to widespread opposition by community members, advocates, and experts alike<sup>xxiv</sup>, the NYPD amended the report to add a statement of clarification<sup>xxv</sup>; yet, it is clear that the NYPD continues to employ tactics that explicitly focus on Muslim communities.

Most recently, as revealed by a series of Associated Press (AP) investigations, the NYPD has surreptitiously sent plainclothes officers – known as “rakers” – into Muslim and Arab neighborhoods to monitor the daily life of community members at bookstores, cafes, restaurants, and places of worship.<sup>xxvi</sup> Even absent evidence of criminal wrongdoing or potential terrorist activity, officers gathered meticulous notes on eavesdropped conversations and innocuous activities as well as photographed locations where community members congregated.<sup>xxvii</sup> This information became the building blocks for a massive ethnic mapping database of where Muslims went “grocery shopping, ate dinner, and prayed.”<sup>xxviii</sup>



According to interviews with the NYPD by the AP, for example, “the department sought a rundown from the taxi commission of every Pakistani cab driver in the city, and produced an analytical report on every mosque within 100 miles.”<sup>xxix</sup> Then, after sending increasing numbers of police officers to Pakistani neighborhoods, law enforcement was “instructed ... to look for reasons to stop cars: speeding, broken tail lights, running stop signs. The traffic stop gave police an opportunity to search for outstanding warrants or look for suspicious behavior. An arrest could be the leverage the police needed to persuade someone to become an informant.”<sup>xxx</sup> These informants, who often faced no choice but to become the eyes and ears of the government, as well as undercover officers then infiltrated dozens of mosques and Muslim student groups in the city.<sup>xxxi</sup>

In early 2012, more reports unveiled the extensive nature of the NYPD’s focus on Muslim communities. Activities included infiltration of Muslim student groups throughout universities in the Northeast; monitoring of Shia mosques; and continuous and widespread screenings during police trainings of the film, *The Third Jihad*, which proclaimed that Muslims want to “infiltrate and dominate” the United States.<sup>xxxii</sup>

Further fomenting distrust of law enforcement was the rollout of the Secure Communities program by ICE, a fingerprint sharing program among local police, FBI, and immigration authorities.



Nationwide, this program has raised concerns as it essentially grants enforcement of federal immigration laws to local and state police and makes community members hesitant to contact authorities when in need of assistance out of fear of potential negative immigration consequences.<sup>xxxiii</sup> In January 2011, New York Governor Andrew Cuomo issued a letter to the Department of Homeland Security (DHS) stating that the state would be suspending its participation in the program<sup>xxxiv</sup>, but concerns remain as DHS has since asserted that states and municipalities will be unable to elect out of the initiative.<sup>xxxv</sup>

### South Asians Report Being Stopped by Law Enforcement Without Cause

With such policies and programs set into motion by the NYPD, along with the FBI and DHS, it is no surprise that respondents who participated in the Collaborative's documentation project reported experiencing profiling by these agencies. Specifically, many respondents reported often being stopped by law enforcement for no apparent reason other than their national origin or religion. Among those who participated in the questionnaire, 115 individuals reported interactions with the NYPD, 96 individuals reported interactions with ICE, and 40 individuals reported interactions with the FBI.

*[A]fter September 11th, I was on the Brooklyn Bridge with passengers and the police pulled me over. [They] asked me why I [was] there and I told them it was because I had passengers. [T]hey asked to see my license and registration, then they let me go. Out of the people on the bridge, why would they stop me and ask me why I'm there? This is my job but they still harassed me.*  
– Bangladeshi Muslim male taxi driver, Sunnyside, Queens

*I was stopped by the NYPD. [T]hey searched me and they never had a warrant. They questioned my friends and [me]: "What is your name and age?" They would ask us why we were [t]here. And, we [said], "We're waiting for someone."*  
– 17-year-old Bangladeshi Muslim male high school student, Jackson Heights, Queens

*I work [for] construction companies as a day laborer. I was questioned by ICE and NYPD several times, while waiting to be hired at the corner of the street, because of my appearance.*  
– South Asian restaurant worker focus group participant



*I was contacted with regard to my ex-husband. They wanted to know if [he] had any ties with terrorists or engaged in any terrorist-type trainings. They asked about my marriage, the reason for [the] divorce, and whether I still maintain contact with him. They asked to meet a couple of weeks later, where they showed me pictures and asked if I had seen any of these pictured men associating with my ex-husband.*

– 34-year-old Pakistani Muslim female social worker, Howard Beach, Queens

*A year ago, [the] FBI called me from a mobile [phone], asked my name and told me “we want to see you.” Two FBI agents came to my house. They would frequently come and make false statements and ask me a lot of questions and also threaten that I cannot leave New York City. They told me that they are following me 24/7. They took my passport and green card and then returned it later. Again they reminded me that they are following me.*

– 29-year-old Bangladeshi Muslim male restaurant worker, Woodside, Queens

These narratives show that community members have been stopped and suspected by law enforcement as part of their daily lives and even absent evidence of any criminal activity.

## **South Asians Report Being Questioned About their Faith, National Origin, and Immigration Status**

Among the subset of respondents who provided further details on their interactions with law enforcement, 85% reported being questioned about their immigration status and 42% of these interactions involved entities other than ICE. In addition, among these same respondents, 73% reported that they were questioned about their national origin by law enforcement agents and 66% reported being questioned about their religious affiliation.

*In mid-January 2011, a 25-year-old man was looking for parking. There was a police car double-parked across the street. [The man] just happened to find a spot empty and parked his car to go and pray Jummah [Friday prayer]. The police car across the street made a U-turn and the officers came out to question him as he was getting out [of] the car. They asked him why he parked his car there when there were other available parking spots. He was laughing when he told them that he just found a parking spot and parked there; there was no specific reason. The officers tried to ask other questions like, “Are you Muslim? Where are you from? Do you often pray at this mosque?” But he simply said “Why does all this matter? Did I do something wrong? Please tell me.” The officers told him he did nothing wrong. The Muslim man then said “I am sorry but I have to go and pray” and left without answering the questions.*

– Summary of interview with a South Asian respondent in Brooklyn

*I was stopped by an FBI agent while I was coming back from work in the evening. He asked me to show my*

*ID. He asked me questions like which masjid [mosque] I go to pray and [if] I know any terrorists in my neighborhood. I said to him, “No, I don’t.”*

– South Asian construction worker focus group participant

*I recall when FBI and DHS agents had surrounded our neighborhood in Brooklyn. They would wait for the restaurant workers to show up at work. My colleagues in the restaurant kitchen were often questioned by [these] agencies. They were asked about their religion and their affiliation with terrorist organizations that we never heard [of] before. They also asked about immigration status, ethnicity, and so on.*

– 68-year-old South Asian restaurant worker focus group participant

*Yeah, I’ve been asked [by NYPD] about where I’m from, and my religious beliefs. I guess you can say that they didn’t look down at me, but they weren’t so happy about where I was or who I am.*

– 18-year-old Bangladeshi Buddhist high school student, Jackson Heights, Queens

*[While] hanging out with friends in Elmhurst – cops stopped and asked if we were Bangladeshi or if we had drugs.*

– 26-year-old Indian Hindu male, Elmhurst, Queens

Such questioning raises concerns about how community members’ safety and trust in local police can be compromised when they are viewed differently by law enforcement based on their religion, national origin, or immigration status.

## **South Asians Report Being Approached by Law Enforcement to Spy on Their Own Communities**

Often, individuals who were stopped and questioned by law enforcement were then asked by the very same agents to spy on their own communities in order to obtain supposed counterterrorism intelligence. At times, community members were promised immigration benefits if they complied or face adverse immigration consequences if they did not.

*In 2002, I was arrested when I came back from work by FBI and ICE. I went through hell with five nights of questioning. They asked me about my [religious] affiliation or knowledge of terrorism. They asked me if I [had] any knowledge of [the] planning [for] the September 11th attacks. I had no clue why they were asking me these questions. When I refused to spy on my community and falsely trap them, I was locked up in a detention center for six months.*

– 60-year-old Pakistani restaurant worker focus group participant

*[An FBI agent] offered me immigration benefits such as a green card and asked me to cooperate with him. I was trembling with fear and could not speak well. He let me go by saying that he will come back again and that I should think about it.*

– South Asian construction worker focus group participant

*I was questioned by FBI agents and [the] NYPD to identify people in my community who are involved in terrorism. I have been questioned six times since September 11th. Every time I responded in [the] negative and said that we are mostly working class people who work 70-80 hours per week to survive. Our only crime is that we are Pashtuns.*

– 55-year-old Afghan/Pashtun focus group participant

These stories show that law enforcement often leverages individuals own relationships within their communities against them – which can foment mistrust within their own personal circles.

### **South Asians Report Interactions with Law Enforcement Harm Relationships with Government, Friends, and Family Members**

Various respondents indicated that the effect of such monitoring and questioning sowed distrust of law enforcement and caused them to lose faith in turning to police for assistance during times of need. In addition, several respondents stated that such treatment unfairly branded them as criminals even within the eyes of their own families and communities.

*I felt like I was being threatened more than just being questioned. While it was happening, I was just always scared of the outcome, like, would I go with them and sit in [the] back of the car in handcuffs? For whatever reason, that would also be a scare for me. It would go up on my record and I'm trying to get a job. They are gonna see my record and then they are gonna be, like, you have been arrested for what reason? And, also, socially, find out, like – hey, yeah, my son got arrested this many nights. It's not really a proud thing for your parents to tell other people, so it has affected my family and my education as well.*

– 18-year-old Bangladeshi Buddhist high school student, Jackson Heights, Queens

*My son was arrested in August 2004. Since then, we have been getting these calls and anti-Muslim hate letters [at] my husband's store. I did complain to the police about this, and I still do have the complaint number, but nothing was done about this. After all this happened with my son, I was so worried, paranoid, and stressed. I didn't know why it was happening to my family and [me].*

– Pakistani Muslim female homemaker, Jackson Heights, Queens

*I was arrested by a School Safety Agent in Flushing, Queens, in 2009. I was searched ... [and] questioned. My friend was present with me from school. The tone of the conversation was aggressive and hostile. I was scared ... and I thought, I am gonna get arrested. [A]ll of [this] affected my school work, family life, and relationship with my friend. So, now, whenever I get stopped by cops, they'll notice [the arrest] after they run my name. Also, my friend and family don't talk to me anymore. My family thinks I am a criminal. I told my family members about this incident, but they take the [government's] word over mine, so they don't believe or trust me. It [also] impacted my school life because I failed that marking period.*

– 18-year-old Indian Hindu male high school student, Jackson Heights, Queens

*At a movie theater in Kew Gardens, my friends and I went to see Iron Man 2 on a Friday evening. There was a couple who started calling us names referring to my turban, like "Osama bin Laden – I wouldn't want to mess with you. God knows what you be hiding in that s—t." The staff of that cinema not only noted what he said but contacted the NYPD and said there was a possible terror alert. We were escorted out and detained by 12 cops and three undercover detectives.*

– 23-year-old Sikh security agent, South Ozone Park, Queens

These narratives made clear that the suspicion of community members, often perpetuated by law enforcement's interactions with them, has struck deep within their own personal lives and the ramifications have extended to their friends, families, and classmates.

### **Recommendations**

Given the pernicious impact that profiling, particularly on the part of the FBI and NYPD, has had on South Asians in their daily lives, it is crucial that systemic measures are undertaken to curb the practice, as outlined in the "Conclusions and Recommendations" section of this report. In addition to the broader anti-profiling policies that are needed from Congress; specific reforms should be undertaken by the FBI, DHS, New York City Council, and NYPD. Beyond strengthening existing anti-profiling measures, it is imperative that community engagement and intelligence-gathering operations by law enforcement are clearly demarcated and kept distinct. Furthermore, greater oversight and transparency over how such activities are conducted is needed.

# IMMIGRANTS AS “ENEMIES”

Perhaps the most iconic landmark of the United States is the Statue of Liberty – a welcoming beacon to our shores for many across the world. Yet, after September 11th, immigrants of all backgrounds were turned away and ferreted out by the government as never before. In 2002, the government signaled its approach of equating immigration enforcement with counterterrorism by charging the newly created agency, the Department of Homeland Security (DHS), with authority over both arenas of policy. In the ensuing decade, these federal policies have wreaked havoc for local communities in New York City.

## NSEERS: Profiling Meets Immigration and National Security

One telling example of how South Asian communities have been affected by post-September 11th immigration policies is the National Security Entry-Exit Registration System (NSEERS) program, established in late 2002. Under one component of the program, known as Call-in Special Registration, non-citizen, non-immigrant, men and boys above the age of 16 from 25 Muslim-majority nations, including Bangladesh and Pakistan, as well as North Korea, were required to report to local immigration offices between November 2002 and April 2003.<sup>xxxvi</sup>

The government did little to publicize the initiative, leaving many individuals, who were mandated to comply, completely unaware of its requirements.<sup>xxxvii</sup> Notices posted to announce the program provided only the most basic information. As a result, the vast majority of individuals did not even hear about the program from the government and most became aware only through family and friends. For those who did comply, many did so voluntarily because they did not want to violate the law or had heard widespread rumors that it was a way to legalize their immigration status.

*I am legally blind. I lost my vision in an accident about thirty years ago. I came here originally for treatment. I used to work in a restaurant. After September 11th, all male members of our community were required to comply with special registration. We were told by a DHS agent in our local masjid [mosque] that those who register with immigration shall be granted legal status. I, along with thousands of others, was trapped by this deception and [was] put [into] deportation.*

– Participant in restaurant worker focus group

In New York City, community members were asked to report to Immigration and Naturalization Service (INS) offices at 26 Federal Plaza in Lower Manhattan.<sup>xxxviii</sup> There was no clear guidance on what legal rights individuals would have, whether they could bring an attorney with them, or what the repercussions of reporting would be. Scenes at 26 Federal Plaza were surreal with lines of

Muslim men streaming outside the building, waiting to be fingerprinted, photographed, and interviewed. Every morning, by 9:00 a.m., during the reporting period, the line would stretch for blocks outside the building; it was not uncommon to have to wait two or more hours in the cold.<sup>xxxix</sup> Once they arrived at the entrance and entered the building, the men were ushered to the third floor for check-in using their passport and I-94 form, indicating proper entry into the United States.<sup>xl</sup> Upon check-in, each registrant was given a form to provide biographical information.<sup>xli</sup> Registrants would

then wait another hour or more until their numbers were called to go through the registration process.<sup>xlii</sup> Part of this process included being questioned under oath about immigration status, employment status, political opinions, and religious beliefs.<sup>xliii</sup> Some were subsequently made to turn over their belongings, subjected to searches, and put through more intensive questioning.<sup>xliv</sup>

For some, this would be the end of the process and they would return home; but for other individuals, the ordeal would continue.<sup>xlv</sup> Eventually, immigration enforcement officers would bring them to the tenth floor where they would be asked to turn over their belongings, remove their belts and empty their pockets, and subsequently be searched.<sup>xlvi</sup> Registrants were often required to remain on the tenth floor until the next morning or afternoon until they were called for further, more intensive questioning.<sup>xlvii</sup> Since eating or drinking was not permitted, and the cafeteria closed at 3:30 p.m. each day, many went almost full days without nourishment.<sup>xlviii</sup>

## South Asians Report Personal Distress Resulting from NSEERS Remains

The most severe impact of NSEERS remains with the over 13,000 individuals who were placed in deportation proceedings, including many with pending immigration applications. The aftermath was thousands of families being broken up and communities devastated by the separation. And, despite the fact that the NSEERS program was initiated ten years ago, to this day, respondents continue to recall the stress and fear that resulted.

*I can never forget two nights [on] the tenth floor of Federal Plaza where I was detained, when I went to comply with special registration. I was not given any food [for] two days and was interrogated for terrorism. It was inhuman behavior towards Muslims and Pakistanis in general.*

– Participant in South Asian construction worker focus group

*I am [a] witness to the draconian special registration program. In 2003, when I went to Federal Plaza for this program, my wife was pregnant with my daughter. It is so painful to recall that when I did not return home*







*until midnight, my wife [and] my two minor sons [were] pacing outside the federal building. They had no clue whether I was alive or not.*

– Participant in Pashtun and Afghan focus group

*In 2002, after the introduction of NSEERS, seven musicians and singers were arrested when they went to comply with special registration. Everybody, regardless of their age [or] gender was scared, especially the community of musicians who always promote love and peace through music. We have never been exposed to such heavy state oppression.*

– Participant in musician focus group

*I know a family that left New York City for Canada in fear [after] September 11th because they did not have status. After leaving, they were deported from Canada and entered the United States. [They are] in deportation proceedings [and] the husband spent nine months in a detention center.*

– 45-year-old Muslim Bangladeshi male sales worker, Jamaica, Queens

As illustrated by respondents, the memories of NSEERS remain fresh in community members' minds and many are still grappling with the destruction of families and communities as well as ongoing immigration consequences that may still lead to deportation.

## **South Asians Report Continuing to Encounter Adverse Immigration Consequences Resulting from NSEERS**

Of the over 83,000 individuals who registered through the program nationwide, nearly 13,000 were issued Notices to Appear (NTAs), a document that triggers deportation/removal proceedings in immigration court.<sup>xlix</sup> Modifications were made to the program in 2003 as well as in 2011<sup>l</sup>, yet individuals continue to face negative immigration consequences as a result. Most recently, in November 2011, the U.S. Citizenship and Immigration Services (USCIS) issued a policy memorandum with directions to “refer all cases in which an application is denied based on an NSEERS violation to ICE [Immigration and Customs Enforcement] for possible NTA issuance.”<sup>li</sup> As with other sweeps in 2001, the NSEERS program failed to identify any terrorism suspects or uncover any terrorism-related evidence.<sup>lii</sup>

*My friend did not register and was denied a work permit. He has four kids and was even laid off from his job. He does not have any documents currently and is working very hard to support and feed his family.*

– 41-year-old Muslim Bangladeshi male hotel worker, Queens Village, Queens

## **Recommendations**

While it should be acknowledged that DHS has modified the program by “delisting” the list of countries whose nationals were subject to registration requirements in April 2011, the program’s regulatory framework still remains on the books. In addition, for community members placed in deportation/removal proceedings or encountering challenges in obtaining immigration benefits as result of NSEERS, particularly in light of the November 2011 policy memorandum from USCIS, individuals’ situations have not improved. It also remains unclear whether and how personal data of community members obtained through NSEERS is being retained or used by government agencies. As outlined in the “Conclusions and Recommendations” section of this report, DHS must take measures to completely terminate the program and resolve its ongoing effects.



The experiences of all Americans traveling by air were altered dramatically by September 11th. More intense security measures have been instituted by government officials – whether it is removing jackets and shoes at screening checkpoints, allowing only ticketed passengers at flight gates, or placing a limited amount of liquid and gels into separate plastic bags in carry-on luggage. For South Asian, Muslim, Sikh, and Arab travelers, however, various changes in security procedures, carried out by U.S. Customs and Border Protection (CBP) and the Transportation Security Administration (TSA) within the Department of Homeland Security (DHS), have had a unique and discriminatory impact. Policies and practices have resulted in selective treatment of travelers from these communities, such as additional screening because of religious attire and being asked personal questions related to faith and political beliefs. The impact has been far more than mere inconvenience. Rather, visible mistreatment based on profiling further raises sentiments of suspicion against community members by the mainstream public and forces individuals to question whether they are afforded the same rights as other Americans.

## Faith and Flying: Profiling of South Asians at Ports of Entry

South Asians frequently encounter additional searches and questioning by CBP officials at U.S. ports of entry upon returning from trips abroad. Under current policies, CBP uses a two-track system for screening persons entering the country – one for American citizens and another for non-citizens.<sup>liii</sup> On either of these tracks, CBP agents may select a traveler for a secondary enhanced screening that can include an intrusive body and baggage searches, extensive questioning, and detention.<sup>liv</sup> South Asian travelers returning to or entering the U.S. for the first time have been targeted for detailed interrogation about political views, family, friends, financial transactions and religious beliefs.<sup>lv</sup> Their cell phones, computers, personal papers, business cards and books are searched and copied with virtually no evidence that an individual poses a threat; and they are often subjected to prolonged detention and referral to immigration authorities. Part of the reason why this occurs is the result of a 2008 guidance issued by CBP which states that “in the course of a border search, and absent individualized suspicion, officers can review and analyze the information transported by any individual attempting to enter, reenter, depart, pass through, or reside in the U.S.”<sup>lvii</sup> In addition, the year prior to the issuance of this guidance, CBP lowered the threshold for invading passengers’ privacy from a “probable cause” to a “reasonable suspicion” standard.<sup>lviii</sup>

## South Asians Report Being Questioned Regarding Religious Practices at Ports of Entry

According to questionnaire results, 34% of respondents who indicated that they had been subject to additional questioning by government officials stated that they had been isolated by agents for this purpose. Among the same respondents who were made to undergo such questioning, 41% stated that CBP agents questioned them about their religious or political beliefs.

*A Pakistani man in his mid-40s was traveling back from Pakistan in August 2009, along with his 17-year-old daughter and 16-year-old son. At JFK [airport], almost half of the passengers of the same flight were separated for questioning. His family was separated and were [told to keep] moving from one room to another. His daughter was very scared because this was her first time in America and was separated from both her male [guardians]. At the end, in the third room [that they were made to go into], one [agent] asked him about how long he stayed in Pakistan and what he was doing in New York City. [The agent] asked his son about his schooling. The questions asked were ... in a probing tone. It took six hours. They did not understand why they were separated and questioned for so long. [They were not given] an explanation when they were finally allowed to leave.*

– Summary of a Pakistani respondent interview

*In 2008, a Bengali woman was coming from Bangladesh to America for the first time. She went through the first stage of security, and, then, she was asked for additional screening. There was a female officer present at the front, but this officer stayed ... at the front when the passenger was told to go to a separate room. There were two men who patted her down and spoke only English. She didn't understand what they were saying and assumed that the men were the only ones allowed to check her for security reasons. The officers did not ask the female officer to help them with the pat down and, therefore, did not give the Bengali woman the respect and courtesy deserved.*

– Summary of Bangladeshi respondent interview

*In mid-March 2008, a 23-year-old Muslim woman was traveling with her 2-year-old son from Canada to New York at La Guardia airport. She went through the regular screening with her son, but, then, was asked to step aside for further security purposes. She was the only one asked to step aside [from those in] line. She was wearing a hijab and was questioned about what was underneath it. The immigration officers led her and her child to a different room where she and her son were both patted down. Her luggage was also opened and checked. After the officer found nothing, the woman was told to wait for another officer to call her because she had to be questioned. The other officer rudely asked her questions like, “Where are you originally from? Why are you traveling with a child and whose child is he? Why didn't you change your maiden name after marriage? Why do you travel so much? Where is your husband? What does he do? What is his status? Has he ever been arrested?”*

– Summary of respondent interview

Through these stories, community members conveyed that they were being singled out by immigration officials at airports because of their faith, ethnic background, or specific countries that they were traveling from.

## Faith and Flying: Profiling of South Asians in Domestic Travel

In addition to security screening procedures targeting individuals upon return from travel abroad, even domestically, South Asians have also endured heightened scrutiny by TSA agents. Airport screening procedures were altered soon after September 11th that resulted in the targeting of many Sikh and Muslim travelers. As a result, TSA put into place an investigative mechanism in the months after September 11th to enable travelers to report incidents of bias during air travel. Following advocacy from Sikh, Muslim, South Asian, and Arab American organizations, TSA also issued directives that described methods for conducting airport screening in a manner that ensures safety and protects civil rights. However, in August 2007, TSA issued a set of guidelines governing domestic airport screening procedures mandating that travelers wearing turbans and headscarves be subjected to additional screening.<sup>lix</sup> A revised October 2007 “bulky clothing” screening procedure was subsequently implemented that no longer required that turbans and *hijabs* be automatically searched for non-metallic threats; rather, it was left to an individual TSA officer’s discretion if they believed the head covering was bulky and eligible for further screening.<sup>lx</sup> It also required a TSA officer to provide the choice of a private turban screening or use of a puffer machine, a self pat-down and test for chemical traces through a finger swab, or a pat down of the turban by a TSA officer.<sup>lxi</sup> Then, in October 2010, following the initial roll-out of new Advanced Imaging Technology (AIT) machines in airports across the country, DHS and TSA informed Sikh advocacy groups that turbaned Sikh travelers at U.S. airports should *always* expect to undergo secondary screening in the form of a turban pat-down and/or a metallic detector wand over the turban.<sup>lxii</sup>

### South Asians Report Additional Screening Triggered By Religious Attire

Questionnaire respondents revealed that additional screening has, unfortunately, become the norm for many travelers because of their religious attire. In fact, among the subset of respondents who indicated the frequency at which they get subjected to secondary security screening by TSA agents, 25% stated they were selected more than half of the time that they traveled.

*I was asked to go through secondary screening. I asked why and [the agents] said it was because of my turban.*

– 32-year-old male Sikh software manager, JFK Airport

*I was at the airport and they checked my luggage and searched me. I was covered from head to toe wearing my Islamic dress.*

– 56-year-old Pakistani Muslim female, Coney Island, Brooklyn

*I was traveling with my son – only two-and-half years old – and [the agents] fully searched him and myself at the airport in March 2007. I believe [it was] just because I was wearing a hijab [that] they searched me and my belongings.*

– 25-year-old Pakistani Muslim female administrative assistant, Bensonhurst, Brooklyn



*It's more often than not that I'll be asked to go through extra screening. It's more the norm than the exception. Usually, it happens at Newark or LaGuardia [airports]. We're asked to go into [a] special line.*

– Sikh interview respondent

*[When traveling in April 2011,] I took off my kara [religious steel bangle worn by Sikhs]. They said, “Can you step aside [and] go through additional screening?” I asked why they were calling me. [The agent] said, “I just need to check your headgear.” They put me in a glass cage. He got a kit. I was standing there for five minutes, looking like a fool. They asked me to touch my turban. After a long time, they finally let me go.*

– Sikh interview respondent

Whether as a result of the improper use of TSA officer discretion or formalized policies governing additional searches, community members’ experiences clearly show that passengers’ religious attire has played a significant role in whether they are subjected to heightened screening.

### South Asians Report Their Airport Officials Fail to Follow Own Screening Protocol for Passengers Wearing Religious Attire

Even more troubling, when questioning did occur, TSA agents often failed to follow proper procedures in conducting their inspections. Specifically, TSA officers are required to provide the choice of a private turban screening or use of a puffer machine, a self pat-down and test for chemical traces through a finger swab, or a pat-down of the turban from a TSA officer. Among those wearing religious or cultural attire, 23% of respondents reported that they were told to remove their turban or headscarves during airport security screening. And 30% of these respondents stated that they were not given the opportunity to pat-down their own head covering during airport security screening.

*[The agents] said that [the turban] was the reason why I went through additional screening. They said if I don't take it off, they will search more.*

– Sikh interview respondent

*The most recent [incident] was at LAX airport in April 2011. I was at security for the gate that leads to American Airlines and I was returning home to New York City [via] JFK airport. I was wearing a turban with Western-style clothing, like I always do. A TSA agent asked me to step aside for additional screening. She searched through all of my bags, unpacking everything. I asked her why I was being singled out, and she said it was because I was wearing a head covering. She said it would be the same if I were wearing a baseball [cap]. I told her my turban was religious and that I don't take it off in public. She responded rudely and said "Some people call their baseball [cap] a religion." Then, she put on gloves and started grabbing at my turban from all angles. It really felt like a violation. She was being so rough to [the] point where she almost took my turban off. She didn't tell me I could have done it myself and she hardly warned me when she was going to start.*

– 26-year-old Sikh female teacher, Crown Heights, Brooklyn

Despite the fact that there are procedures on the books that are intended to preserve the privacy and freedom of religion of passengers, the narratives of community members show that even these limited protections are often not implemented in practice.

## **South Asians Report Fear of Being Viewed as Suspects by the Public**

The impact of such airport profiling, whether occurring at the border or when flying within the country, is distressing for community members. Respondents reported feeling humiliated, viewed as suspects by their fellow travelers, and recognizing that they are treated differently from other Americans.

*I feel frustrated. The hard thing for me is [that] I travel a lot for work. Sometimes you get embarrassed. I get paranoid, make sure that I don't beep. I'm actually kind of used to that, unfortunately.*

– Sikh interview respondent

*Every time these incidents occurred, I was alone. I felt very bad and tense by all this harassment. I felt like a criminal and there were all these other people watching. Sometimes, passengers ask where I'm from [and whether] I've recently gone back [to Bangladesh] to visit. What business do they have to know whether I've been back home or not? I feel very belittled, because they look at me with suspicion in their eyes. Anyone would feel bad.*

– Bangladeshi Muslim taxi driver from Sunnyside, Queens

*It absolutely makes you feel hopeless. It's profiling. It makes other people suspicious. We are being pulled*

*aside by people in power. This makes other people think something is wrong. I try to avoid air travel when possible. We're profiled basically 100% of the time. It dehumanizes you – makes you feel like a second-class citizen.*

– Sikh interview respondent

*The most humiliating aspect was being put in a clear glass chamber in the middle of the security section [while] waiting for the TSA agent. I saw people looking at me as they walked past – no one was pulled aside except me. In the minds of most people, even if I saw it happen to someone else, I would wonder why the person was pulled aside. I would assume there was a reason and, hence, raise my suspicions of the individual.*

– 32-year-old male Sikh software manager, JFK Airport

*It's become such a regular occurrence that I don't think too much about it, but therein lays the issue, too. I think right there is a big issue because someone shouldn't have to be screened for what seems to be an unnecessary reason.*

– Sikh interview respondent

Community members conveyed that such discriminatory screening has unfortunately become a new "norm" for them yet they still have to grapple with the frustration and stigma that accompanies this type of treatment.

## **South Asians Report Altering Faith-Based Behavior When Flying to Avoid Profiling**

For some respondents, community members have even changed their religious practices when they fly or avoided air travel entirely.

*I took off my kara [religious steel bangle worn by Sikhs] to avoid a secondary check. It's not something I like doing but, to avoid being profiled, it's something I do.*

– 32-year-old male Sikh software manager, JFK Airport

*After [being subjected to questioning about my personal life and my husband after traveling while wearing a hijab], the next time [I] traveled, [I] did not wear the hijab. [I] was not asked for further screening or questioning. [I] was approached very politely. [I] had mixed feelings; [I] didn't know whether to feel happy or sad. It felt nice to be treated like everyone else, but, then again, it was upsetting to feel [I] was mistreated just because [I] wore a hijab.*

– Muslim female interview respondent

*I went through a stage where I couldn't control my anger. So, I stopped wearing a turban through the airports for a long time. [I] would just wear a hat and take it off when going through. [I] calmed down eventually [and] decided [I was] going to wear a turban again, [but it] kept happening. It has me thinking twice, and I shouldn't have to think twice.*

– Sikh interview respondent



*I never grow my dhari [beard] down anymore, and I try to wear something underneath, in case I have to remove my bhag [turban].*

– Sikh interview respondent

The results of such profiling bring into question whether individuals are able to fully exercise their First Amendment rights of freedom of expression and religion.

## **Recommendations**

Given the nature of the attacks on September 11th and subsequent attempted terrorism incidents involving airplanes, there is

no denying that ensuring airline safety should be of paramount concern. However, as the experiences of South Asian community members have illustrated, current policies and practices have come at the cost of endangering one's freedom of religion and freedom from discrimination as well as compromising individuals' sense of identity – with no demonstrable benefits regarding national security. Beyond instituting and bolstering anti-profiling measures, as outlined in the “Conclusions and Recommendations” section of this report, improved officer training, data collection, and complaint processes for community members are needed, specifically by DHS, CBP, and TSA.

# CONCLUSIONS AND RECOMMENDATIONS

*[Racial profiling] is wrong, and we will end it in America.*

– President George W. Bush, February 27, 2001<sup>lxiii</sup>

*[N]o law-abiding person, be they an American citizen, a legal immigrant, or a visitor or tourist ... should ever be subject to suspicion simply because of what they look like.*

– President Barack Obama, May 18, 2010<sup>lxiv</sup>

*In the end, I vote for the Constitution... You just cannot ever take away people's civil liberties and my heart goes out to anybody who is stopped because of the color of their skin or the way they dress, or which temple, mosque or church they come out of... [I]t is so against everything that this country was founded on, I don't know how you could possibly argue to do it. No, I am very much against racial profiling.*

– New York City Mayor Michael Bloomberg, June 2, 2002<sup>lxv</sup>

The public statements of Presidents Bush and Obama and Mayor Bloomberg demonstrate that leading decisionmakers in the country and New York City recognize the dark cloud of suspicion that has been cast on communities of color and that the scourge of racial and religious profiling will not be tolerated. Yet, as *In Our Own Words* shows, the actual policies instituted by the government fail to meet these promises. Whether it is local law enforcement viewing community members with suspicion, or the lingering effects of post-September 11th immigration enforcement initiatives, or the targeting of community members at the nation's airports, South Asians continue to face discrimination simply because of their actual or perceived faiths and backgrounds.

As illustrated through this documentation project, the effect on community members, both personally and collectively, has included impermissible inquiries about individuals' faith and background; being viewed as suspects by the broader community; and becoming hesitant to reach out to law enforcement for assistance. Perhaps even more concerning is that profiling has affected "everyday people" as they go about their daily lives and undermined their sense of self-worth and identity in the process.

At federal, state, and local levels of government, there are indeed certain policies on the books that aim to curb the practice of profiling. Policymakers have taken certain steps since September 11th to mitigate profiling, such as reducing background-check delays for naturalization applications, modifying certain immigration programs that target community members, and undertaking reviews of biased training materials for law enforcement. Yet, government agencies often institute such measures only after extensive advocacy efforts by community members rather than on their own accord. And, often, the procedures are inconsistently followed or are even set aside when the specter of national security arises.

In order to eliminate the practice of profiling and its harmful effects on communities of color, as illustrated by this documentation project, members of the Collaborative offer the following detailed recommendations for policymakers and stakeholders.

## Recommendations for the President

- **Issue an executive order prohibiting racial profiling by federal law enforcement** and ban law enforcement practices that disproportionately target individuals for investigation and enforcement based on race, ethnicity, national origin, sex, or

religion. The order should also mandate that federal agencies collect data on stops and searches that are disaggregated by these categories.

- **Speak out against speech and actions motivated by bias and hatred against communities of color.** This includes xenophobic and racist rhetoric, discrimination, and hate crimes that occur in both public and private spheres.

## Recommendations for Congress

- **Pass the *End Racial Profiling Act* (ERPA)**, which would prohibit the use of profiling on the basis of race, religion, ethnicity, or national origin by federal, state, and local law enforcement agencies. This legislation would also require law enforcement agencies to conduct anti-profiling trainings, monitor their activities with respect to race and other protected statuses, and create effective complaint resolution processes. In addition, ERPA would establish a private right of action for victims of profiling that would allow them to seek damages in federal court.
- **Hold Congressional hearings and conduct investigations on the effect of counterterrorism policies and profiling** on South Asian, Muslim, Arab, and Sikh communities. This includes hearings specifically on the use of informants and surveillance by the FBI and NYPD; profiling in the airport context; and profiling as a result of immigration enforcement.
- **Speak out against speech and actions motivated by bias and hatred against communities of color.** This includes xenophobic and racist rhetoric, discrimination, and hate crimes that occur in both public and private spheres.

## Recommendations for the U.S. Department of Justice

- **Strengthen and amend the 2003 Guidance Regarding the Use of Race by Federal Law Enforcement** to include national origin and religion as bases for prohibiting profiling; remove the national security and border integrity loopholes within the guidance; and ensure its application to state and local law enforcement agencies. DOJ should also require all federal, state, and local agencies to report on their compliance with the guidance.

- **Commence investigations and file lawsuits against state and local law enforcement agencies that engage in racial and religious profiling under federal civil rights laws.** These include investigations and litigation under Title VI of the Civil Rights Act of 1964 and “pattern or practice” provisions. Such lawsuits and investigations should be instituted for the range of racial and religious profiling that have occurred in the post-September 11th context.

## Recommendations for the Federal Bureau of Investigation

- **Release an unredacted version of the Domestic Investigations and Operations Guide,** particularly the chapters relating to data collection of ethnic and religious communities and infiltration of places of worship.
- **Prohibit infiltration and monitoring of places of worship,** particularly when there is no information based on reliable and individualized evidence of criminal activity occurring at that location.
- **Collect and publish data on the racial, ethnic, and religious identity of individuals with whom law enforcement interactions occur.** Such efforts should preserve the privacy of community members by keeping identifying information of individuals confidential.
- **Undertake comprehensive reviews of existing law enforcement training materials and establish robust review mechanisms for future trainings** to ensure that speakers, films, and curricula used do not promote stereotypes about South Asian, Muslim, Sikh, and Arab communities as terrorists.
- **Reject “radicalization” theories** that are based on faulty indicators of criminal or terrorist activity and chill community members’ rights to freedom of religion, expression, and assembly.
- **Separate intelligence-gathering and community outreach strategies** rather than conflating the two engagement strategies.
- **Maintain consistent communication with community-based organizations to better understand the community impact** of their protocols and directives and provide opportunities to provide input on proposed policies.

## Recommendations for the U.S. Department of Homeland Security

- **Prohibit immigration-related questioning and federal immigration law enforcement by local government agencies and sharing of immigration related information with ICE or other federal immigration agencies.** Local law enforcement officers should enforce state and local criminal laws, not federal civil immigration laws. Devolving immigration enforcement responsibilities, such as through the 287(g) or Secure Communities programs, to local agencies sends the improper message that immigration and crime, or terrorism, are inherently related.
- **Completely terminate NSEERS/special registration program and repeal related regulations.** While the program was modi-

fied in April 2011 to “delist” countries whose nationals were required to register, the underlying regulatory framework remains intact. This provides the possibility that a program like NSEERS could be resurrected in the future.

- **Provide immigration relief for those placed into deportation/removal proceedings as a result of NSEERS and restore eligibility for immigration benefits for individuals otherwise eligible.** Particularly in light of USCIS’ November 2011 policy memorandum requiring immigration applications denied due to NSEERS violations be referred for NTAs, restoring benefit eligibility is crucial. Individuals who are in removal proceedings as a result of NSEERS should also not be barred from consideration for prosecutorial discretion by ICE.
- **Reject the perpetuation of “radicalization” theories** that are based on faulty indicators of criminal or terrorist activity and chill community members’ rights to freedom of religion, expression, and assembly.
- **Undertake comprehensive reviews of existing law enforcement training materials and establish robust review mechanisms for future trainings** to ensure that speakers, films, and curricula used do not promote stereotypes about South Asian, Muslim, Sikh, and Arab communities as terrorists.
- **Explicitly and repeatedly state to the public that an individual’s race, ethnicity, or religion should not be the basis for suspicious activity reporting programs.** Such initiatives include DHS’ *See Something, Say Something* programs.
- **Routinely and uniformly train officers and agents on civil rights protections** afforded to travelers in partnership with organizations serving affected community members.
- **Strengthen complaint processes, such as DHS TRIP, for individuals affected by profiling.** Provide quarterly reports on the status of their investigations into complaints and reassess existing complaint mechanisms.

## Recommendations for U.S. Customs and Border Protection

- **Collect and publish data on the racial, ethnic, and religious identity of individuals with whom law enforcement interactions occur.** Such efforts should preserve the privacy of community members by keeping identifying information of individuals confidential.
- **Audit the use and maintenance of government watchlists** that can serve as the basis for interrogation at borders and revise the mechanism for processing travelers’ complaints.
- **Remove exceptions to prohibitions based on national security and border protection** within existing guidance banning profiling and raise the standard for CBP questioning to “probable cause.”
- **Require that agents should only inquire into passengers’ religious and political beliefs** where there is a substantial nexus



between the information obtained through such questioning and a specific threat to national security.

- **Routinely and uniformly train officers and agents on civil rights protections** afforded to travelers in partnership with organizations serving affected community members.
- **Maintain consistent communication with community-based organizations to better understand the community impact** of their protocols and directives and provide opportunities to provide input on proposed policies.

## Recommendations for the Transportation Security Administration

- **Rescind existing policy that mandates individuals wearing religious attire, such as turbans and headscarves, be subjected to additional secondary screening.**
- **Revise the “bulky clothing” screening policy to provide greater oversight and training to avoid the misuse of discretion by TSA officers.**
- **Collect and publish data on the racial, ethnic, and religious identity of individuals with whom law enforcement interactions occur.** Such efforts should preserve the privacy of community members by keeping identifying information of individuals confidential.
- **Maintain consistent communication with community-based organizations to better understand the community impact** of their protocols and directives and provide opportunities to provide input on proposed policies.

## Recommendations for the New York Governor’s Office

- **Issue an executive order prohibiting profiling** and ban law enforcement practices that disproportionately target individuals for investigation and enforcement based on race, ethnicity, national origin, gender, or religion. These orders should also mandate that government agencies collect data on stops and searches that are disaggregated by these categories. These orders should also explicitly apply in the contexts of travel, surveillance, and immigration enforcement.

## Recommendations for New York State Assembly

- **Introduce and pass robust state-level anti-profiling legislation**, including those modeled after the *End Racial Profiling Act*, which would prohibit the use of profiling on the basis of race, religion, ethnicity, national origin, sexual orientation, or gender by law enforcement agencies; require law enforcement agencies to conduct anti-profiling trainings, monitor their activities with respect race and other protected statuses, and create effective complaint resolution processes; and establish a private right of action for victims of profiling that would allow them to seek damages in court.
- **Hold state legislative hearings and conduct investigations on the effect of counterterrorism policies and profiling** on South

Asian, Muslim, Arab, and Sikh communities. This includes hearings specifically on the use of informants and surveillance by the FBI and NYPD.

- **Pass state legislation that explicitly prohibits surveillance** premised on race, ethnicity, national origin, or religion by law enforcement agencies.
- **Strengthen government and civilian oversight over state and local law enforcement agencies**, including the NYPD.
- **Prohibit state and local law enforcement from inquiring about individuals’ immigration status or otherwise carry out immigration laws.** This includes the effects of federal programs, such as Secure Communities and 287(g), as well as similar policies instituted by state and local lawmakers.

## Recommendations for New York City Mayor’s Office

- **Issue an executive order prohibiting profiling** and ban law enforcement practices that disproportionately target individuals for investigation and enforcement based on race, ethnicity, national origin, gender, sexual orientation, or religion. These orders should also mandate that government agencies collect data on stops and searches that are disaggregated by these categories. These orders should also explicitly apply in the contexts of travel, surveillance, and immigration enforcement.
- **Explicitly and repeatedly state to the public that an individual’s race, ethnicity, or religion should not be the basis for suspicious activity reporting programs.** Such initiatives include MTA’s *See Something, Say Something* program.

## Recommendations for New York City Council

- **Introduce and pass robust city-level anti-profiling legislation**, including policies which would prohibit the use of profiling on the basis of race, religion, ethnicity, national origin, sexual gender, immigration status, or housing status by law enforcement agencies; require law enforcement agencies to conduct anti-profiling trainings, monitor their activities with respect race and other protected statuses, and create effective complaint resolution processes; and establish a private right of action for victims of profiling that would allow them to seek damages in court.
- **Introduce and pass legislation that protects individuals’ rights during interactions with law enforcement**, including requiring officers to inform individuals regarding the right to refuse consent for a search when police do not have a warrant or probable cause; and requiring officers to provide business cards with their name, rank, and Civilian Complaint Review Board contact information, following each stop and frisk encounter.
- **Hold council hearings and conduct investigations on the effect of counterterrorism policies and profiling** on South Asian, Muslim, Arab, and Sikh communities. This includes New York City Council hearings specifically on the use of informants and surveillance by the FBI and NYPD.

- **Pass city-wide legislation that explicitly prohibits surveillance** premised on race, ethnicity, national origin, or religion by local law enforcement agencies.
- **Strengthen government and civilian oversight over local law enforcement agencies**, including the NYPD. Specifically, the New York City Council should create a new Inspector General's office to oversee the NYPD.
- **Prohibit state and local law enforcement from inquiring about individuals' immigration status or otherwise carry out immigration laws.** This includes the effects of federal programs, such as Secure Communities and 287(g), as well as similar policies instituted by state and local lawmakers.
- **Develop strategies in tandem with administrative agencies to reduce over-policing and profiling in public schools.** Specifically, the City Council should work with the New York City Department of Education to reduce the number of School Safety Agents and armed NYPD officers stationed in local public schools; ensure that the NYPD meets requirement of reporting arrests in schools as per the *Student Safety Act*; end all stop and frisk activities targeting youth of color; and require the use of and provide funding for Positive Behavior Interventions Support (PBIS) programs for schools to address most discipline issues, including bullying and harassment.
- **Speak out against speech and actions motivated by bias and hatred against communities of color.** This includes xenophobic and racist rhetoric, discrimination, and hate crimes that occur in both public and private spheres.

## Recommendations for New York City Police Department

- **Strengthen and implement existing anti-profiling policies.** Specifically, existing anti-profiling policies, such as New York City's 2004 policy, should be enforced; and the NYPD should enforce and explicitly prohibit profiling on the basis of religion under Operations Order 11.
- **Reject the perpetuation of "radicalization" theories** that are based on faulty indicators of criminal or terrorist activity and chill community members' rights to freedom of religion, expression, and assembly.
- **Undertake comprehensive reviews of existing law enforcement training materials and establish robust review mechanisms for future trainings** to ensure that speakers, films, and curricula used do not promote stereotypes about South Asian, Muslim, Sikh, and Arab communities as terrorists.
- **Separate intelligence-gathering and community outreach strategies** rather than conflating the two engagement strategies.
- **Explicitly and repeatedly state to the public that an individual's race, ethnicity, or religion should not be the basis for suspicious activity reporting programs.**
- **Collect and publish data on the racial, ethnic, and religious identity of individuals with whom law enforcement interac-**

**tions occur.** Such efforts should preserve the privacy of community members by keeping identifying information of individuals confidential.

- **Prohibit immigration-related questioning, immigration law enforcement, and sharing of immigration-related information by local government agencies with federal immigration agencies.** Local and state law enforcement officers should enforce state and local criminal laws not federal civil immigration laws. Devolving immigration enforcement responsibilities, such as through the 287(g) or Secure Communities programs, to local agencies sends the improper message that immigration and crime, or terrorism, are inherently related.
- **Mandate religious and cultural competency trainings** on South Asian, Muslim, and Sikh communities for all officers and personnel. This includes proactively reaching out to community-based organizations with expertise on these communities for such trainings.

## Recommendations for South Asian Community Leaders and Concerned Community Members

- **Report incidents of profiling** to community-based organizations committed to eliminating profiling and through government complaint mechanisms.
- **Host "know your rights" trainings and disseminate "know your rights" brochures** to constituents on a regular basis.
- **Write letters to the editor or op-eds** in media outlets that have previously covered stories on profiling.
- **Build relationships and stand in solidarity with other communities of color** affected by profiling, including the African-American and Latino communities.

## Recommendations for Philanthropic Institutions

- **Build capacity within South Asian communities to engage in community organizing, advocacy, and direct assistance to individuals affected by profiling.** In order for communities to address the systemic nature of profiling with policymakers and to provide educational resources to law enforcement agencies, increased funding support is needed.
- **Support future documentation efforts and statistical analysis of the evolving nature of profiling affecting South Asian communities.** As more reports of profiling emerge and the nature of practice has changed, increase support is needed to capture the impact on community members.

## APPENDIX A: DESCRIPTIONS OF NEW YORK CITY PROFILING COLLABORATIVE ORGANIZATIONS

The following organizations were a part of the New York City Profiling Collaborative to document the community's experiences as it relates to racial and religious profiling in the post-September 11th world. All organizations belong to the National Coalition of South Asian Organizations (NCSO), a network of 41 organizations across the country that are rooted in social justice values and empower South Asian communities through social service provision, organizing, advocacy, and community education.

### **Coney Island Avenue Project**

1117 Coney Island Avenue, Suite 1R  
Brooklyn, NY 11230  
Phone: 718-859-0238  
[www.ciapnyc.org](http://www.ciapnyc.org)

Coney Island Avenue Project (CIAP) was formed in November 2001 to advocate on behalf of the South Asian and Muslim communities who have suffered from the anti-immigrant backlash in the wake of September 11th. CIAP offers particular support to immigrant detainees and their families. The mission of CIAP is to combat racism and promote empowerment of working class South Asians through: legislative change, legal advocacy, and community-based education. CIAP's social justice vision is to help build a society where working-class South Asians are treated with equality, tolerance, and respect. CIAP is a member of the NCSO.

### **Council of Peoples Organization**

1081 Coney Island Avenue  
Brooklyn, NY 11230  
Phone: (718) 434-3266  
[www.copousa.org](http://www.copousa.org)

Council of Peoples Organization's (COPPO) mission is to assist low-income immigrant families, particularly South Asians and Muslims, to reach their full potential as residents of New York City. COPPO empowers marginalized communities to advocate for their rights and understand their responsibilities as Americans. COPPO helps to build community relations among Muslim and non-Muslim community groups. COPPO is working to establish connections between the communities and various government agencies. COPPO is a member of the NCSO.

### **Desis Rising Up and Moving**

72-18 Roosevelt Avenue  
Jackson Heights, NY 11372  
Phone: (718) 205-3036  
[www.drumnyc.org](http://www.drumnyc.org)

DRUM - Desis Rising Up and Moving is a multigenerational, membership-led organization of over 1,400 low-income South Asian immigrant workers and youth in New York City. For 12 years, DRUM has built the leadership of thousands of South Asian low-wage immigrant workers, families fighting deportation and profiling as Muslims/South Asians, and youth to change policies that impact their lives. DRUM was on the ground before and since 9/11 organizing and providing services to thousands of detainees and people facing deportation. DRUM's model consists of base building, leadership development, policy change campaigns, membership services, and movement building. The organization particularly builds leaders from the most marginalized in our community- low-income workers and youth, undocumented immigrants, and women, to win full civil, human, and economic rights. DRUM is a member of the NCSO.

### **The Sikh Coalition**

40 Exchange Place, Suite 728  
New York, NY 10005  
[www.sikhcoalition.org](http://www.sikhcoalition.org)

The Sikh Coalition is a community-based organization that works towards the realization of civil and human rights for all people. In particular, The Sikh Coalition works towards a world where Sikhs may freely practice and enjoy their faith while fostering strong relations with their local community wherever they may be. The organization pursues its mission by: providing direct legal services to persons whose civil or human rights are violated; advocating for law and policies that are respectful of fundamental rights; promoting appreciation for diversity through education; and fostering civic engagement in order to promote local community empowerment. With a full-time staff of 12 and offices in New York City, Fremont, CA and Washington D.C., The Sikh Coalition is the most-staffed Sikh organization in the history of the United States. The Sikh Coalition is a member of the NCSO.

## **South Asian Youth Action (SAYA!)**

54-05 Seabury Street  
Elmhurst, NY 11373  
Phone: (718) 651-3484  
[www.saya.org](http://www.saya.org)

South Asian Youth Action (SAYA!) provides comprehensive youth development programs for low-income South Asian youth in New York City. Through academic, leadership, sports, arts, and counseling programs, SAYA! presents youth with the possibility to expand their horizons and realize their dreams. In the organization's 15 year history, SAYA! has opened the door to over 7,700 youth who are often the first in their families to attend high school and pursue college in the U.S. SAYA! currently offers programs at the organization's center in Elmhurst, Queens and at multiple public schools. SAYA! is a member of the NCSO.

## **UNITED SIKHS**

JAF, POB 7203  
New York, NY 10116  
Phone: (646) 688-3525  
[www.unitedsikhs.org](http://www.unitedsikhs.org)

UNITED SIKHS is a U.N.-affiliated, international non-profit, non-governmental, humanitarian relief, human development and advocacy organization, aimed at empowering those in need, especially disadvantaged and minority communities across the world. The mission of the organization is to transform underprivileged and minority communities and individuals into informed and vibrant members of society through civic, educational and personal development programs, by fostering active participation in social and economic activity. UNITED SIKHS began in 1999 when a group of Sikhs from the New York metropolitan area banded together to assist in the socio-economic development of immigrant communities in Queens, New York. UNITED SIKHS is a member of the NCSO.

## **South Asian Americans Leading Together**

6930 Carroll Avenue, Suite 506  
Takoma Park, MD 20912  
Phone: (301) 270-1855  
[www.saalt.org](http://www.saalt.org)

South Asian Americans Leading Together (SAALT) is a national nonpartisan non-profit organization that elevates the voices and perspectives of South Asian individuals and organizations to build a more just and inclusive society in the United States. SAALT's strategies include conducting public policy analysis and advocacy; building partnerships with South Asian organizations and allies; mobilizing communities to take action; and developing leadership for social change. SAALT is the coordinating entity for the NCSO.

## APPENDIX B: QUESTIONNAIRE COPIES

### NYC Post-9/11 Collaborative Racial Profiling Documentation Project Survey

Conducted by: CIAP (Coney Island Avenue Project); COPO (Council of Peoples Organization);  
DRUM (Desis Rising Up and Moving); SAALT (South Asian Americans Leading Together); SAYA! (South Asian Youth Action);  
The Sikh Coalition; UNITED SIKHS

This survey is part of a documentation project to identify patterns of racial and religious profiling faced by South Asians in New York City. These stories will be used in reports urging the end of profiling.

Profiling happens when law enforcement agencies suspect individuals of possible criminal activity based on characteristics such as race, religion, national origin, nationality, or immigration status.

You will be asked whether you have experienced profiling in any of the following contexts:

1. In your daily life: where you live, work, or go to school, when you may have been monitored or targeted by the FBI, state or local police, or other federal, state, or local authorities
2. While going through the immigration and naturalization process
3. While traveling to and from the United States

*Note: Your responses will be completely confidential and kept anonymous. As a coalition of South Asian organizations, we will work with elected leaders and agencies to stop discrimination against our communities.*

#### **Section A: DEMOGRAPHIC AND CONTACT INFORMATION**

1. Please provide us with contact information (optional)

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

2. Ethnicity/national origin: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_

3. What language(s) do you speak at home?

English \_\_\_\_\_ Hindi \_\_\_\_\_ Punjabi \_\_\_\_\_ Bengali \_\_\_\_\_ Nepali \_\_\_\_\_ Urdu \_\_\_\_\_ Other \_\_\_\_\_

4. Where do you live? Neighborhood: \_\_\_\_\_ Borough: \_\_\_\_\_ Zip Code: \_\_\_\_\_

5. What is your religious affiliation? \_\_\_\_\_

6. (a) Are you a student? Yes: \_\_\_\_\_ No: \_\_\_\_\_

(b) If so, in which of the following (check one):

High School \_\_\_\_\_ Vocational school \_\_\_\_\_

Undergraduate Studies \_\_\_\_\_ Graduate Studies \_\_\_\_\_ Other \_\_\_\_\_

7. (a) Are you employed? Yes: \_\_\_\_\_ No: \_\_\_\_\_

(b) If you are employed, what is your occupation? \_\_\_\_\_

#### **Section B: QUESTIONS RELATING TO INTERACTIONS WITH FEDERAL, STATE, AND LOCAL AUTHORITIES**

*Since 9/11, the Federal Bureau of Investigation (FBI) and other federal, state, and local authorities have increasingly monitored, questioned, and arrested individuals based on their race, religion, or national origin.*

8. Have you ever been monitored, targeted, or questioned by any of the following:

FBI \_\_\_\_\_ NY state police \_\_\_\_\_ NYPD \_\_\_\_\_

Taxi and Limosine Commission (TLC) officers \_\_\_\_\_ School Safety Agents (SSA) \_\_\_\_\_

Immigration and Customs Enforcement (ICE) \_\_\_\_\_ Police officers stationed at school \_\_\_\_\_



**If you answered “yes” to any of the above, please answer the following questions. If not, please skip to the Immigration section.**

9. Did the agents identify themselves? Yes: \_\_\_\_\_ No: \_\_\_\_\_

10. Did the agents search (please check all that apply):  
Home \_\_\_\_\_ Workplace \_\_\_\_\_ Car \_\_\_\_\_ You \_\_\_\_\_ Other \_\_\_\_\_

11. Did they have a warrant? Yes: \_\_\_\_\_ No: \_\_\_\_\_

12. Did they question you? Yes: \_\_\_\_\_ No: \_\_\_\_\_

13. Did they ask you about your (please check all that apply):  
National Origin \_\_\_\_\_ Religious Affiliation \_\_\_\_\_ Immigration Status \_\_\_\_\_  
Political Beliefs \_\_\_\_\_ Other \_\_\_\_\_

14. Were there any threats made toward you? Yes: \_\_\_\_\_ No: \_\_\_\_\_

15. Did the agents ask to contact you again? Yes: \_\_\_\_\_ No: \_\_\_\_\_

16. Description of incident (note location, date, details):

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### **Section C: QUESTIONS RELATING TO IMMIGRATION**

*Since 9/11, many South Asians have reported delays in the processing of naturalization applications due to various security background checks.*

17. If you are not a U.S. citizen, do you have a naturalization application pending?  
Yes: \_\_\_\_\_ No: \_\_\_\_\_ I am a U.S. citizen: \_\_\_\_\_

18. Has your application been delayed, recently, or in the past?  
Yes: \_\_\_\_\_ No: \_\_\_\_\_

*Special registration/NSEERS is a program that was established by the Department of Justice following 9/11. It required certain male nationals from predominantly Muslim-majority countries (including Bangladesh and Pakistan) to register with the federal government. **Note:** Many individuals were deported as a result of special registration and may not be able to complete this survey. If you know someone personally who was affected by special registration, you are welcome to fill this out based on their experiences.*

19. Were you or someone you know required to register through the Special Registration/NSEERS program?  
Yes, I was: \_\_\_\_\_ No: \_\_\_\_\_ I know someone who was: \_\_\_\_\_ Don't know: \_\_\_\_\_

20. Have you or someone you know encountered any of the following problems as a result of special registration/NSEERS?

Registered and have been placed in deportation proceedings	_____
Did not register and have been placed in deportation proceedings	_____
Did not register and green card application has been denied	_____
Did not register and naturalization application has been denied	_____
Other (please explain)	_____
None of the above	_____



## **Section D: QUESTIONS RELATING TO TRAVEL**

*When arriving in the U.S., passengers are inspected by U.S. Customs and Border Protection (CBP) agents. Individuals may be questioned and have their baggage or person searched. Many Muslim and South Asian passengers have reported intrusive questioning by agents regarding their faith and political beliefs.*

21. (a) When returning to the U.S. from a trip abroad, have U.S. Customs and Border Protection agents (immigration authorities) done any of the following:
- |  |       |
|--|-------|
| Asked you about your faith or political beliefs      | _____ |
| Excessively searched your personal belongings        | _____ |
| Seized any of your personal belongings               | _____ |
| Isolated you in a separate location to ask questions | _____ |
- (b) If yes, what country were you returning from the first time it happened? \_\_\_\_\_

*Before boarding, airline passengers must go through security screening by the Transportation Security Administration (TSA). This screening involves either going through a metal detector or new Advanced Imaging Technology machines, better known as "whole body scanners." If a passenger wear what the TSA believes to be "bulky" clothing, they may be required to go through additional "secondary" screening. This often affects passengers who wear religious or cultural attire, who must go through secondary screening because a screener believes their clothes to be bulky. Religious or cultural attire can include turbans, hijabs, kurtas, or shalwar kameez, for example.*

22. Do you wear religious or cultural attire while travelling? Yes: \_\_\_\_\_ No: \_\_\_\_\_

23. Prior to boarding, when going through security screening, have TSA agents done any of the following to you (please check all that apply) :

Required you to go through additional security screening even though the metal detector didn't go off	_____
Required you to go through additional security screening because of your religious or cultural attire	_____
Told you to remove your turban or headscarf	_____
Didn't allow you to self-pat your own head covering	_____

24. Did TSA officials give you all 3 options for additional screening and/or private screening area for your religious or cultural attire (if you wear it)? (1. Self-pat down and checking for residue; 2. An official patting it down and checking for residue; and 3. A private screening)?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

25. How often do you get selected for additional screening at airports?

Rarely (0% – 25% of the time)	_____
Some of the time (25% - 50%)	_____
Most of the time (50% - 75%)	_____
Almost all of the time (75% - 100%)	_____

*For additional questions related to travel experiences, please see Addendum.*

## **Section E: OPTIONAL QUESTIONS**

26. Please provide us your name: \_\_\_\_\_

27. (a) Please tell us your U.S. citizenship/immigration/visa status (check one):
- |                   |       |                         |       |                      |       |
|-------------------|-------|-------------------------|-------|----------------------|-------|
| U.S.-born citizen | _____ | Naturalized citizen     | _____ | LPR/Green card       | _____ |
| Temporary visa    | _____ | Out of status/no status | _____ | Prefer not to answer | _____ |
- (b) If not a U.S. citizen, what country are you a citizen of? \_\_\_\_\_

## ADDENDUM

*Additional questions related to airport screening by the Transportation Security Administration (TSA).*

28. If you went through TSA screening at airports and wear cultural or religious clothing while traveling, please indicate what type(s) of clothing you wore (e.g. turban, hijab, sari, shalwar kameez, kurta, etc.)

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29. If you were required to go through additional secondary screening, please provide a description of the incident (note location, date, details):

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*For Interviewer Only:*

*Initials:* \_\_\_\_\_

*Date of Interview:* \_\_\_\_\_

*Interview Site:* \_\_\_\_\_

## APPENDIX C: DEMOGRAPHIC OVERVIEW OF QUESTIONNAIRE RESPONDENTS

<b>Gender</b>	Men	59%
	Women	37%
	Other/No response	4%
<b>Religion</b>	Islam	39%
	Sikhism	37%
	Hinduism	5%
	Other/No response	19%
<b>Ethnicity/National Origin</b> (Self-identified)	Indian	28%
	Pakistani	20%
	Bangladeshi	13%
	Other/No response	40%
<b>Age</b>	Under 13	2%
	13-17 years	21%
	18-25 years	24%
	26-34 years	15%
	35-44 years	15%
	45-54 years	14%
	55-65 years	5%
	Over 65 years	2%
	No response	2%
<b>Employment Sector</b> (Top 5 Responses)	Retail/sales	
	Construction	
	Transportation	
	Food service	
	Medical	
<b>Languages Spoken at Home</b> (Top 5 Responses)	English	
	Punjabi	
	Urdu	
	Hindi	
	Bengali	
<b>Place of Residence</b>	Queens	61%
	Brooklyn	24%
	Manhattan	4%
	Long Island	2%
	Other/No response	8%

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## PHOTO CREDITS

**Front cover:** (Clockwise from left) DRUM leader Shahina Parvin at an April 2011 anti-war march in New York City while holding a photo of her son, Shahawar Matin Siraj (Credit: DRUM); Sikh community member in New York City (Credit: The Sikh Coalition); DRUM YouthPower member in New York City (Credit: DRUM); Harun Ur Rasheed, bidding goodbye to supporters and loved ones at JFK Airport before returning to Bangladesh as a result of NSEERS (Credit: Families for Freedom; courtesy: Subhash Kateel). **Page 7:** (Clockwise from top left) Menu at a restaurant in Jackson Heights, Queens; local mosaic decorating a grocery store in Jackson Heights, Queens; storefronts in Jackson Heights, Queens (Credit: Hena Ashraf); **Page 13:** Makki Masjid on Coney Island Avenue in Brooklyn, New York, which has a significant Pakistani congregation, with an NYPD patrol car in front. (Credit: Hena Ashraf). **Page 14:** March 22, 2011 Muslim American Civil Liberties Coalition Press Conference Calling for police accountability regarding CIA & NYPD activities with immigrant rights organizations, Muslim community members, leaders advocates and elected officials; DRUM Members: Shamsun Nahar, Shahina Parvin Siraj, Abu Chowdhury, and Kazi Fouzia (Credit: DRUM). **Page 17:** YouthPower members of DRUM marching in the India Day Parade in New York City in 2002 carrying a banner for the Stop the Disappearances Campaign, which included Desis Rising Up and Moving and the Immigrant Justice Solidarity Project, and the Prison Moratorium Project, to release September 11th detainees and end mass arrests. (Credit: DRUM). **Page 18:** DRUM leader Moni Alam, wife of a special registrant who was deported, leading chants at the Queens Drivers License rally in 2005; Moni subsequently founded DRUM's sister organization after having to leave the U.S. with her husband and kids in Canada named the South Asian Women's Human Rights Organization. (Credit: DRUM). **Page 20:** (Clockwise from top left) Image obtained at <http://www.pravasitoday.com/sikh-coalition-leads-call-for-probing-racial-profiling-in-us>; Image obtained at <http://www.topnews.in/usa/sikhs-should-expect-screening-turbans-us-airports-26851>; Community member holding anti-profiling sign (Credit: The Sikh Coalition).

## ENDNOTES

- <sup>i</sup> “Highlights of AP’s probe into NYPD intelligence operations,” *Associated Press*. Available at <http://www.ap.org/nypd/>.
- <sup>ii</sup> For a list and descriptions of Collaborative member organizations, see Appendix A.
- <sup>iii</sup> City of New York Executive Order No. 41, “City-wide Privacy Policy and Amendment of Executive Order No. 34 Relation to City Policy Concerning Immigrant Access to City Services.” (September 17, 2003). Available at <http://www.nyc.gov/html/imm/downloads/pdf/eo-41.pdf>.
- <sup>iv</sup> U.S. Census Bureau 2010 Census. Summary File 1, Tables PCT5, PCT6, and PCT 7. These figures represent population “race alone” totals for Asian Indian, Bangladeshi, Bhutanese, Nepalese, Pakistani, and Sri Lankan responses for the Bronx, Brooklyn, Manhattan, Queens, and Staten Island. It may not include figures South Asians who belong to the diaspora (e.g. Indo-Caribbeans), due to how the Census Bureau categories such responses.
- <sup>v</sup> Census forms ask individuals to self-report their race/ethnicity. The only South Asian-specific option printed on the Census 2010 form that individuals could check off for the race/ethnicity was “Asian Indian.” Individuals from Bangladesh, Bhutan, Nepal, Pakistan, Sri Lanka, and the diaspora found that their specific ethnicity was not specifically delineated on the form. Non-Indian South Asians had to choose between “Asian Indian” or writing in another ethnicity under the “Other Asian” category. Yet, many non-Indian South Asians may have automatically checked off “Asian Indian” upon seeing it as the only South Asian option printed on the form, leading to a likely overcount of the Indian population and undercount of other South Asian populations.
- <sup>vi</sup> U.S. Census Bureau 2010 Census. Summary File 1, Tables PCT5, PCT6, and PCT 7.
- <sup>vii</sup> *Id.*
- <sup>viii</sup> *Id.*
- <sup>ix</sup> To view a full copy of the English version of the questionnaire, see Appendix B. Translated versions of questionnaires are on file with the Collaborative organizations.
- <sup>x</sup> Indeed, many community members approached by the Collaborative organizations to complete the questionnaire expressed hesitancy in participating out of fear only sharing personal information about their experiences, potentially underscoring the degree to which community members have become afraid to convey their stories to anyone, even advocacy organizations that guaranteed that any and all responses would remain confidential.
- <sup>xi</sup> See, e.g., American Civil Liberties Union of Arizona, *Driving While Black or Brown: An Analysis of Racial Profiling in Arizona* (April 2008). Available at [www.acluaz.org/DrivingWhileBlackorBrown.pdf](http://www.acluaz.org/DrivingWhileBlackorBrown.pdf).
- <sup>xii</sup> See generally, Lamberth Consulting, “Racial Profiling Doesn’t Work.” Available at [www.lamberthconsulting.com/about-racial-profiling/racial-profiling-doesnt-work.asp](http://www.lamberthconsulting.com/about-racial-profiling/racial-profiling-doesnt-work.asp).
- <sup>xiii</sup> *Id.*
- <sup>xiv</sup> See, e.g. Madison Police Department Detective Alix Olson, “American law enforcement must demand the removal of Sheriff Arpaio from duty” (January 14, 2010). Available at [www.huffingtonpost.com/alix-olson/american-law-enforcement\\_b\\_423527.html](http://www.huffingtonpost.com/alix-olson/american-law-enforcement_b_423527.html).
- <sup>xv</sup> See generally, Rights Working Group and American Civil Liberties Union, *The Persistence of Racial and Ethnic Profiling in the United States: A Follow-Up Report to the U.N. Committee on the Elimination of Racial Discrimination* (2009). Available at [www.aclu.org/files/pdfs/human-rights/cerd\\_finalreport.pdf](http://www.aclu.org/files/pdfs/human-rights/cerd_finalreport.pdf).
- <sup>xvi</sup> Immigration Policy Center, “Targets of Suspicion: The Impact of Post-9/11 Policies on Muslims, Arabs, and South Asians in the United States,” (hereinafter “IPC Report”) *Immigration Policy In Focus*, Vol.3, Issue 2 (May 2004). Available at [www.immigrationpolicy.org/sites/default/files/docs/Targets%20of%20Suspicion.pdf](http://www.immigrationpolicy.org/sites/default/files/docs/Targets%20of%20Suspicion.pdf). See also “Letter from South Asian Women’s Organizations to White House Council on Women and Girls and White House Advisor on Violence Against Women” (November 2, 2009). Available at <http://saalt.org/attachments/1/Letter%20from%20South%20Asian%20Organizations%20on%20Violence%20against%20Women%20Issues.pdf>.
- <sup>xvii</sup> Tara Barahmpour, “Some Muslims, fearing backlash, worry about intent of Census,” *The Washington Post* (March 20, 2010). Available at [www.washingtonpost.com/wp-dyn/content/article/2010/03/09/AR2010030901688.html](http://www.washingtonpost.com/wp-dyn/content/article/2010/03/09/AR2010030901688.html)
- <sup>xviii</sup> South Asian Americans Leading Together, *From Macacas to Turban Toppers: The Rise in Racist and Xenophobic Rhetoric in Political Discourse* (October 2010). Available at <http://saalt.org/attachments/1/From%20Macacas%20to%20Turban%20Toppers%20Report.small.pdf>.

xix *Id.*

xx *See generally*, National Coalition of South Asian Organizations, *A National Action Agenda: Policy Recommendations to Empower South Asian Communities – Civil Rights and Civil Liberties Section* (July 2008). Available at [www.saalt.org/attachments/1/Civil%20Rights%20and%20Civil%20Liberties.pdf](http://www.saalt.org/attachments/1/Civil%20Rights%20and%20Civil%20Liberties.pdf).

xxi *See e.g.* Sharon Cohen, “Arab Americans Complain of Profiling” (Case of Ashraf Khan flying to Pakistan), *Associated Press* (September 25, 2001). Linda Gibson, “Uneasy pilots refuse Arab-named travelers” (Cases of Akbar Ali and Muhammad Naeem from Pakistan), *St. Petersburg Times* (September 22, 2001). Available at [www.sptimes.com/News/092201/Hillsborough/Uneasy\\_pilots\\_refuse\\_.shtml](http://www.sptimes.com/News/092201/Hillsborough/Uneasy_pilots_refuse_.shtml) (Last accessed May 17, 2010). Bob Herbert, “High Altitude Rambos” (Case of Dr. Bob Rajcoomar, of Indian descent), *The New York Times* (September 19, 2002).

xxii “NYPD Counterterrorism Units” *New York City Police Department*. Available at [http://www.nyc.gov/html/nypd/html/administration/counterterrorism\\_units.shtml](http://www.nyc.gov/html/nypd/html/administration/counterterrorism_units.shtml)

xxiii Mitchell D. Silber and Arvin Bhatt, “Radicalization in the West: The Homegrown Threat,” *NYPD Intelligence Division*. Available at [http://www.nypdshield.org/public/SiteFiles/documents/NYPD\\_Report-Radicalization\\_in\\_the\\_West.pdf](http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf).

xxiv *See generally*, Faiza Patel, Brennan Center for Justice at the New York University School of Law, *Rethinking Radicalization* (2011). Available at [http://brennan.3cdn.net/f737600b433d98d25e\\_6pm6beukt.pdf](http://brennan.3cdn.net/f737600b433d98d25e_6pm6beukt.pdf). *See also* Muslim American Civil Liberties Coalition, *CounterERRORism Policy: MACLC’s Critique of the NYPD’s Report on Homegrown Radicalism* (2008). Available at <http://maclcnypdcritique.files.wordpress.com/2008/11/counterterrorism-policy-final-paper3.pdf>.

xxv *See* Note xxii at pp. 11-12.

xxvi *See* Note i.

xxvii *Id.*

xxviii *Id.*

xxix *Id.*

xxx *Id.*

xxxi *Id.*

xxxii *See* Note i.

xxxiii *See generally*, *Restoring Community: A National Community Advisory Report on ICE’s Failed ‘Secure Communities’ Program* (August 2011). Available at <http://altopolimigra.com/s-comm-shadow-report/>.

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xxxviii Asian American Legal Defense and Education Fund, *Special Registration: Discrimination and Xenophobia as Government Policy* (January 2004). Available at <http://www.aaldef.org/docs/AALDEF-Special-Registration-2004.pdf>.

xxxix *Id.*

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xli *Id.*

xlvi *Id.*

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xliii *Id.*

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xlix Immigration and Customs Enforcement, “Changes to the National Security Entry/Exit System,” (December 1, 2003). Available at <http://www.ice.gov/pi/news/factsheets/nseersFS120103.htm>.

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lii *See generally*, Note xxxvii.

liii *See generally*, Muslim Advocates, *Unreasonable Intrusions: Investigating the Politics, Faith & Finances of Americans Returning Home* (April 2009), available at [http://www.muslimadvocates.org/documents/Unreasonable\\_Intrusions\\_2009.pdf](http://www.muslimadvocates.org/documents/Unreasonable_Intrusions_2009.pdf); and Asian Law Caucus and the Stanford Law School Immigrants’ Rights Clinic, *Returning Home: How U.S. Government Practices Undermine Civil Rights at Our Nation’s Doorstep* (April 2009), available at <http://www.asianlawcaucus.org/wp-content/uploads/2009/04/Returning%20Home.pdf>.

liv *Id.*

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lvi *Id.*

lvii *Id.*

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lx Sikh American Legal Defense and Education Fund, The Sikh Coalition, “Airport Screening Procedures for Sikh Travelers” (2007). Available at <http://www.sikhcoalition.org/documents/SikhAirTravelersGuideandBillofRights.pdf>.

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lxiv White House, “Remarks by President Obama and President Calderon of Mexico at Joint Press Availability,” (May 19, 2010). Available at <http://www.whitehouse.gov/the-press-office/remarks-president-obama-and-president-calder-n-mexico-joint-press-availability>.

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